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

**Town of Colonie  
Local Law No 2 of the year 2018**

A local law amending Chapter 155 of the Code of the Town of Colonie, entitled “Sewers”.

**Be it enacted by the Town Board of the Town of Colonie of as follows:**

**SECTION 1. AMENDMENT.**

Chapter 155 is hereby amended as follows:

**ARTICLE I. General Provisions**

**§ 155-1.01. Short Title.**

For brevity and ease of communication, this Law may be cited as the Town of Colonie Sewer Use Law.

**§ 155-1.02. Purpose.**

The general purpose of this Law is to provide for efficient, economic, environmentally safe and legal operation of the Town of Colonie sewerage system. Specific purposes of this Law include the following:

- A. To prohibit excessive volumes and/or inordinate rates of flow of sewage and wastes into the Town and/or County sewerage system.
- B. To prohibit the contribution of sewage, industrial wastes or other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for sewerage maintenance and operation personnel.
- C. To prohibit the contribution of sewage, industrial wastes or other wastes which may cause maintenance difficulties in the lateral and trunk sewers, force mains, pumping stations, sewage regulators and other structures and appurtenances of the Town and/or County sewerage system.

- D. To prohibit the contribution of sewage, industrial wastes or other wastes, which may create operating difficulties at the Town or County water pollution control plants as they may be constructed, modified or improved in the future.
- E. To prohibit and/or to regulate the contribution of sewage, industrial wastes or other wastes which require, for treatment at the plants, greater expenditures than are required for equal volumes of normal sewage.
- F. To require the treatment, before introduction into the Town sewers, of such wastes as may otherwise reduce or compromise the strength and/or durability of the structures and/or equipment appurtenant to the sewer system, by direct or indirect chemical action, or interfere with the normal treatment processes.
- G. To provide cooperation with the Albany County Water Purification District, the Albany County Department of Health, the New York State Department of Environmental Conservation, the United States Environmental Protection Agency, and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and bacteriological quality of watercourses within or bounding the County.
- H. To protect the public health, the environment, and to prevent nuisances.

**§ 155-1.03. Definitions and word usage.**

- A. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:

**AUTHORIZED REPRESENTATIVE** – An authorized representative of a User is defined to be:

1. If the User is a corporation:
  - a. The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions of the corporation.
  - b. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25 million dollars if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. A general partner or proprietor, if the User is a partnership or proprietorship,
3. A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, if the User is a Federal, State, or local government facility.

4. A duly authorized representative of the individuals designated above if the authorization is in writing, the designated representative is responsible for the overall operation of the facility from which the wastewater discharge originates or has overall responsibility for environmental matters for the company, and, the written authorization is submitted to the Town.
5. For the purposes of obtaining a Sewer Connection or Sewer Modification Permit, an Authorized Representative shall be:
  - a. the owner of the property
  - b. an agent authorized by the property owner to perform the work indicated on the permit application

**BOD<sub>5</sub> (denoting "5-day Biochemical Oxygen Demand")**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20° C.) [Sixty-eight degrees Fahrenheit (68° F.)] expressed in milligrams per liter (mg/l). Measurement shall be as set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater.

**BUILDING DEPARTMENT**

The Building Department of the Town of Colonie.

**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.

**BUILDING SEWER**

The extension from the building drain to the public sewer or other place of disposal beginning thirty (30) inches outside the building wall.

**CATEGORICAL PRETREATMENT STANDARD**

Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(B) and (C) of the Clean Water Act (22 U.S.C. 1347), which applies to a specific category of Industrial Users.

**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.

**COMMISSION**

The Board of Commissioners appointed by the Albany County Water Purification District.

**COMMISSIONER**

The Commissioner of Public Works of the Town of Colonie.

**COOLING WATER**

The water discharges from any system of condensation, air conditioning, cooling, refrigeration or other sources. Cooling Water shall contain no polluting substances which would produce BOD<sub>5</sub> or Suspended Solids in excess of ten (10) parts per million by weight or toxic substances as limited elsewhere herein.

**COUNTY**

The County of Albany.

**COUNTY SEWER DISTRICT**

Any county sanitary sewer district as created, altered or modified by action of the Albany County Legislature.

**COUNTY SEWERAGE SYSTEM**

The trunk sewers, force mains, pumping stations, sewage regulators, water pollution control plants (sewage treatment plants) and other appurtenant structures owned and operated by the Albany County Water Purification District.

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

The New York State Department of Environmental Conservation (NYSDEC).

**DEPARTMENT OF HEALTH**

The Albany County Department of Health (ACDOH).

**DILUTION**

The process of decreasing the concentration of a substance in a solution or mixture through the introduction of additional solvent or other substance.

**DIRECTOR**

The Executive Director of the Albany County Water Purification District.

**GARBAGE**

All refuse other than industrial wastes or effluents.

**ENVIRONMENTAL PROTECTION AGENCY**

The United States Environmental Protection Agency (USEPA).

**FOOD WASTES**

Organic waste from the domestic and commercial preparation, cooking, and dispensing of food and from the handling and storage and sale of produce

**HEALTH OFFICER**

The duly appointed Commissioner of Health of Albany County.

**INDUSTRIAL USER**

Any User who discharges waste from an industrial manufacturing process as distinct from sanitary sewage.

**INDUSTRIAL WASTES**

The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary 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 operation of the Town or County sewerage system or Water Pollution Control Plant that causes alone, or in conjunction with discharges by other sources, a violation of any requirement of the Town's or County's SPDES discharge permit (including an increase in the magnitude or duration of a violation) or which prevents sewage sludge use or disposal in compliance with the following statutory provisions and regulation or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery ACT (RCRA), including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA; the Clean Air Act (CAA); the Toxic Substances Control Act (TSCA); and the Marine Protection Research and Sanctuaries Act.

**LATERAL CONTRACTOR**

All those persons who accomplish the installation of building sewers.

**NATURAL OUTLET**

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

**NORMAL SEWAGE**

Sewage, industrial wastes or other wastes, which, when analyzed, show by weight the following characteristics:

- (1) 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>): two thousand ninety (2090) pounds per million gallons [two hundred fifty (250) milligrams per liter] or less.
- (2) Chlorine Demand: two hundred nine (209) pounds per million gallons [twenty-five (25) milligrams per liter] or less.
- (3) Total Suspended Solids (TSS): two thousand five hundred (2,500) pounds per million gallons [three hundred (300) milligrams per liter] or less.
- (4) Total Phosphorus: one hundred twenty five (125) pounds per million gallons [fifteen (15) milligrams per liter] or less.
- (5) Total Ammonia: two hundred fifty (250) pounds per million gallons [thirty (30) milligrams per liter] or less.
- (6) Total Kjeldahl Nitrogen (TKN): four hundred seventeen (417) pounds per million gallons [fifty (50) milligrams per liter] or less.
- (7) Chemical Oxygen Demand (COD): two thousand nine hundred twenty (2,920) pounds per million gallons [three hundred fifty (350) milligrams per liter] or less.
- (8) Oil and Grease: eight hundred thirty (830) pounds per million gallons [one hundred (100) milligrams per liter] or less.

**OTHER WASTES**

Garbage (shredded or unshredded), refuse, wood, eggshells, coffee grounds, sawdust, shavings, bark, sand, lime, cinder, ashes and all other discarded matter not normally present in sewage or industrial wastes.

**PASS THROUGH**

Any User's discharge that causes or contributes to a violation of any requirement of the SPDES discharge permit issued to the Town or County, 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 of the hydrogen ion concentration in moles per liter. It indicates the intensity of acidity and alkalinity of the pH scale running from zero and zero-tenths (0.0) to fourteen and zero-tenths (14.0). A “pH” value of seven point zero (7.0), the midpoint of the scale, represents neutrality. Values above seven point zero (7.0) represent alkaline conditions and those below seven point zero (7.0) represent acid conditions.

**PRETREATMENT STANDARD**

Any federal categorical pretreatment standard or prohibited discharge standard.

**PROPERLY SHREDDED FOOD WASTE**

Food waste that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewer to which it is discharged, with no particle having a dimension greater than one-half (1/2) inch in any dimension.

**PUBLIC SEWER**

A sewer controlled by a public body.

**RECEIVING WATERS**

A natural watercourse or body of water into which treated or untreated sewage is discharged.

**SANITARY SEWAGE**

Sewage discharging from the sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories or institutions and free from stormwater, cooling water, surface water, industrial wastes and other wastes.

**SANITARY SEWER**

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

**SEWAGE**

A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm water as may be inadvertently present. The admixture of “sewage”, as above defined, with industrial wastes or other wastes also shall be considered “sewage” within the meaning of this definition.

**SEWAGE SURCHARGE**

The demand payment for the use of the County sewerage system and/or Town sewerage system for handling the sewage, industrial wastes or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage.

**SEWER**

A pipe or conduit for carrying sewage.

**SEWER DISTRICT**

The Town of Colonie Sewer Improvement Area as created, altered or modified by action of the Town Board of the Town of Colonie.

**SEWERAGE SYSTEM**

All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the Town and/or County wastewater treatment plants.

**SIGNIFICANT INDUSTRIAL USER (SIU)**

Any User of the Town of Colonie sewerage system that meets any one or more of the following criteria:

1. Is subject to national categorical pretreatment standards promulgated by the USEPA under 40 CFR 403.6 and 40 CFR chapter I, subchapter N.
2. Discharges an average of twenty-five thousand (25,000) gallons per day, or more, of process wastewater (excluding sanitary wastewater, non-contact cooling water, and boiler blowdown) to the Town sewerage system.
3. Contributes a discharge that makes up five (5) percent or more of the dry weather hydraulic or organic capacity of the Town or County water pollution control plant.
4. Contributes a discharge which, in opinion of the Superintendent or the Director, has a reasonable potential for adversely affecting the operation of the Town or County sewerage system or for violating any pretreatment standard or requirement.

**SLUG**

A substantial deviation from normal rates of discharge or constituent concentration of sufficient magnitude to cause Interference. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flow during normal operation.

**STORM SEWER (STORM DRAIN)**

A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and other unpolluted waters.

**SUPERINTENDENT**

The Superintendent, or authorized deputy, agent, or representative, of the Town of Colonie Department of Public Works Division of Pure Waters.

**SUSPENDED SOLIDS**

Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by flotation, skimming and sedimentation. Measurement shall be as set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater.

**TOWN**

The Town of Colonie and the lands contained therein.

**TOWN BOARD**

The legally constituted Town Board of the Town of Colonie.

**TOWN SEWERAGE SYSTEM**

The trunk sewers, force mains, pumping stations, sewage regulators, water pollution control plants (sewage treatment plants) and other appurtenant structures owned and operated by the Town of Colonie.

**TOXIC SUBSTANCES**

Any substance, whether gaseous, liquid or solid, which, when discharged to a public sewer in sufficient quantities, may be hazardous to sewerage maintenance or operation personnel, tend to interfere with any biological sewage treatment process or constitute a hazard to human beings or animals or inhibit aquatic life or to create a hazard to recreation in the receiving waters of the effluent from a sewage treatment plant.

**USER**

Any person who contributes, causes, or permits the discharge of wastewater to the Town sewerage system.

**WATER POLLUTION CONTROL PLANT**

Any arrangement of devices and structures used for treating sewage.

- B. Word usage. "Shall" is mandatory; "may" is permissive.
- C. Undefined Terms. Terms not defined in this Article, or terms found to be ambiguous or improperly defined in this Article, shall be defined as noted in the Clean Water Act, or regulations promulgated pursuant thereto.

**§ 155-1.04. Abbreviations.**

The following abbreviations shall have the designated meanings:

ANSI -	American National Standards Institute
ASTM -	American Society for Testing and Materials
AWWA -	American Water Works Association
BOD -	Biochemical Oxygen Demand
BOD5 -	5-day Biochemical Oxygen Demand

CFR -	Code of Federal Regulations
L -	Liter
mg -	milligram
mg/L -	milligrams per liter
ng/L -	nanograms per liter
NYSDEC -	New York State Department of Environmental Conservation
NYSDOH -	New York State Department of Health
POTW -	Publicly Owned Treatment Works
SIU -	Significant Industrial User
SPCC -	Spill Prevention, Control and Countermeasure
SPDES -	State Pollutant Discharge Elimination System
TSS -	Total Suspended Solids
USEPA -	U.S. Environmental Protection Agency
USC -	United States Code of Laws

**§ 155-1.05. General Prohibitions.**

- A. Human or animal excrement, garbage, or other objectionable waste shall not be placed or deposited in unsanitary manner on public or private property within the Town of Colonie.
- B. The discharge of sewage or other polluted wastes to any natural outlet within the Town of Colonie or in any area under the Town’s jurisdiction is prohibited, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided, the construction, operation, or maintenance any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage is prohibited.
- D. No unauthorized person shall maliciously, intentionally or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment or insert any cleaning device, snake, jet hose, rodder into a sewer controlled by the Town or open any manhole cover, pump station, or otherwise trespass upon any facility which is a part of the Town of Colonie sewerage system.

**§ 155-1.06. Connection with public sewer required.**

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after the date of official notice to do so, unless otherwise directed by the Superintendent, provided that said public sewer is within one hundred (100) feet of the property line and all property is under the control of the property owner and/or the Town, County, or State.

## **ARTICLE II. Private Sewage Disposal**

### **§ 155-2.01. Compliance with standards required.**

Where a public sanitary sewer is not available under the provisions of § 155-1.06, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Albany County Department of Health.

### **§ 155-2.02. Permit required.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit duly approved by the Albany County Department of Health for the proposed facilities. Two (2) copies of the plans approved by the Albany County Department of Health shall be filed with the Building Department.

### **§ 155-2.03. When permission is effective; inspections.**

Permission for use of a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Albany County Department of Health. Representatives of the Albany County Department of Health shall be allowed to inspect the work at any stage of construction, and the applicant for the permit shall notify the Albany County Department of Health when the work is ready for final inspection and before any underground portions are covered.

### **§ 155-2.04. Restrictions.**

- A. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Albany County Department of Health.
- B. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet.
- C. No septic tank or cesspool shall be permitted to discharge to any natural outlet or storm sewer.

### **§ 155-2.05. Procedure upon connection with public sewer.**

At such time as a gravity public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in § 155-1.06, a direct connection shall be made to the public sewer in compliance with this chapter. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material unless otherwise approved by the Superintendent.

**§ 155-2.06. Operation to be in sanitary manner.**

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

**§ 155-2.07. Additional requirements imposed by Health Officer.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

**§ 155-2.08. Time period for connection to public sewer.**

When a gravity public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt unless otherwise approved by the Superintendent.

**ARTICLE III. Building Sewers and Connections**

**§ 155-3.01. Permit required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public or private building sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

**§ 155-3.02. Classes of building sewer permits; permit application; fees.**

- A. There shall be two (2) types of building sewer permits: Sewer Connection Permits and Sewer Modification Permits.
- B. There shall be three (3) classes of building sewer permits: for residential, for commercial service and for industrial waste.
- C. In each case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.
- D. A permit and inspection fee in an amount set forth by adopted resolution of the Town Board shall be paid to the Town of Colonie at the time the application is filed.

**§ 155-3.03. Costs and expenses.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.

**§ 155-3.04. Separate building sewer required; exceptions.**

A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another on the same lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building in such cases may be extended to the rear building, and the whole considered as one (1) sewer connection. At no time shall two (2) private properties utilize the same building sewer.

**§ 155-3.05. Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are approved by the Superintendent and meet all requirements of this chapter. All costs and expenses incident to inspection, examination and documentation of old building sewers and any repairs required to meet the requirements of this chapter shall be borne by the owner.

**§ 155-3.06. Size, slope, alignment, materials of construction and methods.**

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 building and plumbing code or other applicable rules and regulations, or specifications, of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the State Building Construction Codes, the American Society for Testing and Materials, Water Environment Federation and American Society of Civil Engineers shall apply.

**§ 155-3.07. Elevation of building sewer.**

Whenever physically possible, the building sewer shall be brought to the building at an elevation below the first floor or in the case of existing sewers, the building drain invert shall be set at an elevation to provide gravity connection. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such building drains shall be lifted by means approved by the Superintendent and discharged to the building sewer.

**§ 155-3.08. Prohibited connections.**

- A. The connection of discharges from footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, and other sources of inflow to the Town of Colonie sewerage system is prohibited.
- B. It shall be a willful violation of this Law for any person to reconnect any inflow source that has been disconnected.
- C. The provisions of this section apply to all structures within the Town regardless of date of construction.

**§ 155-3.09. Connection standards.**

The connection of the building sewer into the public sewer shall conform to the requirements of the New York State Department of State, Division of Building Standards and Codes or other applicable rules, regulations and specifications of the Town or the procedures set forth in appropriate specifications of the American Society for Testing and Materials, and the Water Environment Federation. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

**§ 155-3.10. Supervision of connection to public sewer.**

- A. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. All work shall be completed under the supervision of the Superintendent.
- B. Supervision of installation is limited to the observation and approval of sanitary sewer facilities as related to conformance with codes, regulations, specifications and good construction practices. The Town is not responsible for determining compliance with or enforcing construction safety standards or regulations.

**§ 155-3.11. Safety provisions; restoration of public property.**

- A. All excavations for building sewer installation shall be adequately sheeted and guarded with barricades and lights so as to protect the public from hazard.
- B. In the course of construction or repair of building sewers, no person shall disturb any public roadways, sidewalks, parkways, or other public property, rights-of-way, or easements, without obtaining express written permission or a Highway Permit from the Town of Colonie, or other authority having jurisdiction.
- C. No excavation shall remain unattended without the permission of the Superintendent and/or Commissioner or other authority having jurisdiction.

**§ 155-3.12. Contractors.**

- A. Registration.

All Lateral Contractors must register with the Town of Colonie Department of Public Works Division of Pure Waters

- B. Guarantees.

All work shall be performed in compliance with rules and regulations established by the Town and all workmanship and materials shall be guaranteed for a period of one (1) year.

- C. All Lateral Contractors, or any person utilizing mechanized excavation or construction equipment of any kind, who performs work in connection with the construction of a building service lateral connection must be approved by the Town and have on file with the Town proof of insurance as the Town requires.

## **ARTICLE IV. Discharge Restrictions**

### **§ 155-4.01. Pretreatment Standards.**

All Users of the Town sewerage system shall comply with applicable standards and requirements of the Clean Water Act and standards and requirements promulgated pursuant to the Act, including but not limited to, the standards and requirements in 40 CFR Parts 406 through 471, inclusive.

### **§ 155-4.02. Prohibited discharges.**

#### **A. General Prohibitions**

The direct or indirect discharge of any pollutant or wastewater into the Town sewerage system that results in pass through or interference as defined in §155-1.03 is prohibited. This general prohibition applies to all Users of the Town and County sewerage systems whether, or not, the User is subject to federal categorical pretreatment standards, or any other federal, state, or local pretreatment standards or requirements.

#### **B. Specific Prohibitions**

Without limiting the generality of the foregoing, the following are specifically prohibited from being discharged to the Town sewerage system:

1. Solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the Town or County sewerage system, or to the operation of the Town or County sewage treatment plants. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25% nor any single reading be more than 40% of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials in any quantity include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Town, the County, the State, or the USEPA has determined to be a fire or explosion hazard.
2. Solids or viscous substances, which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment

facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, food wastes with particles greater than one-half(1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, dental floss, spent grains, spent hops, waste paper, cleaning wipes, baby wipes, diapers, nursing pads, sanitary napkins, tampons, maxi pads, wood, plastics, rubber, latex, condoms, gas, tar asphalt, residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grindings or polishing wastes.

3. Wastewater having a pH less than 5.5 or greater than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or Town or County personnel.
4. Wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters for treated effluent from the Town and County wastewater treatments plants, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but no be limited to, any pollutant identified pursuant to Section 307(A) of the Clean Water Act.
5. Noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
6. Commercial, institutional or industrial wastes containing fats, waxes, grease, or oils, whether emulsified or not, which exceed 100 mg/L or which become visible solids when the wastes are cooled to ten (10) degrees Centigrade (50 degrees Fahrenheit).
7. Wastewater containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/L or in amounts that will cause interference or pass through.
8. Wastewater containing pollutants that impart objectionable color that is not removed by wastewater treatment processes employed at the Town and County sewage treatment plants. Such wastewater may include, but are not limited to dye wastes and vegetable tanning solutions.
9. Solids, liquids, vapors, or gases having a temperature higher than sixty-five (65) degrees Centigrade (150 degrees Fahrenheit). Any materials that cause the temperature of the wastewater at the influent to the Town or County

sewage treatment plant to exceed forty (40) degrees Centigrade (140 degrees Fahrenheit). The Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than sixty-five (65) degrees Centigrade.

10. Wastewaters flow rate or concentration of pollutants, which constitute slugs, except by Wastewater Discharge Permit.
11. Wastewater containing any radioactive wastes, except as approved by the Superintendent, and in compliance with applicable State and Federal regulations.
12. Wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.
13. Wastewater with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using test methods specified in 40 CFR Part 261.21.
14. Wastewater containing pollutants which result in the presence of toxic gases, vapors or fumes within the Town or County sewerage system in a quantity that may cause acute or chronic worker health and safety problems.
15. Any waters or wastes containing strong acid iron-pickling wastes or concentrated plating solutions, whether neutralized or not, except by Wastewater Discharge Permit.
16. Any water or wastes containing phenols or other taste-or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent or Director as necessary, after treatment of the composite sewage, to meet requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
17. Materials which exert or cause unusual BOD, Chemical Oxygen Demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, except by Wastewater Discharge Permit.
18. Materials which exert or cause 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 and sodium sulfate.
19. Stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, uncontaminated condensate water or any unpolluted process water.

20. Mercury in excess of 50 ng/L as measured using EPA Method 1631.

**§ 155-4.03. Modification Limits.**

Limitations on wastewater flow rate or concentration of pollutants which constitute slugs contained in this Law may be supplemented with more stringent limitations when, in the opinion of the Superintendent:

1. The limitations in this Law are not sufficient to protect the Town and County sewerage systems,
2. The limitations in this Law are not sufficient to enable the Town or County to comply with applicable water quality standards or effluent limitations specified in the SPDES discharge permits issued for the Town and County sewage treatment plants,
3. The sludge generated at the Town or County sewage treatment plant will be rendered unacceptable for disposal or reuse as the Town or County desires, as a result of discharge of wastewaters,
4. Municipal employees or the public will be endangered, or
5. Air pollution and/or groundwater pollution will be caused.

**§ 155-4.04. Access to User's Records.**

The Superintendent shall have the authority to require copies of any record related to wastewater discharges to the Town sewerage system at the Owner's expense.

**§155-4.05. Dilution.**

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

Dilution flow shall be considered to be inflow.

**§ 155-4.06. Grease, Oil, and Sand Interceptors.**

- A. Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand or other harmful substances: except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of the type and capacity approved by the Superintendent and shall be located to be easily accessible for cleaning and inspection. Such interceptors

shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at the owner's expense.

- B. The introduction of enzymes, bacteria, surfactants, emulsifiers or any product, natural or otherwise, into grease or oil collecting building sewers or interceptors for the purpose of decreasing maintenance of such systems is prohibited without written approval of the Superintendent. In support of any application, the User shall submit all information necessary for evaluation as directed by the Superintendent. Any User requesting approval may be required to perform bench, pilot and/or full-scale evaluation at a facility within the Town and provide sampling results and Wastewater Discharge Reports as the Superintendent deems necessary.

**§155-4.07. Food Waste Grinders.**

Food waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the Town sewerage system if there is a combined sewer overflow (CSO) or a sanitary sewer overflow (SSO) on the sewer lines conveying the waste to the Town or County sewage treatment plant.

**§ 155-4.08. Rejection of Wastewater.**

The Superintendent may reject a User's wastewater, when it has been determined that the wastewater contains substances or possess characteristics that have a deleterious effect upon the Town or County sewage treatment plants, or which constitute a public nuisance or hazard.

**ARTICLE V. Wastewater Discharge Permits and Pretreatment Requirements**

**§ 155-5.01. Wastewater Discharge Permit Required.**

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers from a Significant Industrial User or from any User, which, in the judgment of the Superintendent and/or Director, may have a deleterious effect upon the public sewer, POTW, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent and/or Director may:
  - 1. Reject wastes;
  - 2. Require the issuance of a Wastewater Discharge Permit and/or requirement payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges;
- B. It shall be unlawful for any person to discharge, directly or indirectly, into public sewers or into any private sewer or any combined sewer discharging into a public sewer, sewage combined with industrial wastes or other wastes, industrial wastes or other wastes the characteristics of which, at the point of discharge, exceed the concentration limits

prescribed for normal sewage under §155-1.03 herein or fall within the categories prohibited under Article IV herein, except under the issuance of a Wastewater Discharge Permit by the Superintendent or Director and upon such terms and conditions as may be established in the issuance of such a permit.

#### **§ 155-5.02. Wastewater Discharge Reports.**

As a means of determining compliance with this Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each Significant Industrial User shall be required to notify the Superintendent of any new or existing discharges to the Town sewerage system by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Wastewater Survey (IWS) form to the Superintendent. The Superintendent may require any User discharging wastewater into the Town sewerage system to file Wastewater Discharge Reports and to supplement such reports as the Superintendent deems necessary. All information shall be furnished by the User in complete cooperation with the Superintendent.

#### **§ 155-5.03. Notification to Industrial Users.**

The Superintendent shall, from time to time, notify each Significant Industrial User of applicable Pretreatment Standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.

#### **§ 155-5.04. Wastewater Discharge Permits.**

##### **A. General Requirements**

1. No Significant Industrial User shall discharge wastewater to the Town sewerage system without having a valid Wastewater Discharge Permit, issued by the Superintendent. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provision of this Law. Violations of a permit term or condition is deemed a violation of this Law,
2. All Significant Users proposing to connect to or to discharge to the Town sewerage system shall obtain a Wastewater Discharge Permit before connecting to or discharging to the Town sewerage system. Existing Significant Industrial Users shall make application for a Wastewater Discharge Permit within thirty (30) days after the effective date of this Law, and shall obtain such a permit within ninety (90) days after making application.
3. The Superintendent may issue Wastewater Discharge Permits to other non-residential Users of the Town sewerage system.

##### **B. Wastewater Discharge Permit Applications**

1. Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the Superintendent an application in the form prescribed by the

Town. In support of any application, the Industrial User shall submit, in units and terms appropriate for evaluation, all facility operation, process and wastewater characteristic information as prescribed by the Superintendent.

2. The Industrial User shall supply the nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the User to meet all applicable pretreatment standards.
  - a. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, then the Industrial User shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
    1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).
    2. No increment referred to in (1.) above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.
    3. No later than fourteen (14) calendar days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.
  - b. The Superintendent will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Town may

issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

- c. All costs associated with evaluation of a permit application, inclusive of inspections, sampling, engineering, and administration whether performed by Town staff or subcontracted shall be paid by the applicant.

### 3. Wastewater Discharge Permit Modifications

A. Wastewater Discharge Permits may be modified by the Superintendent, upon thirty (30) days notice to the permittee, for just cause. Just cause shall include, but not be limited to:

1. Promulgation of an applicable federal categorical pretreatment standard,
2. Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13,
3. Changes in general discharge prohibitions and local limits as per Article IV of this Law,
4. Changes in processes used by the permittee, or changes in discharge volume or character,
5. Changes in design or capability of any part of the Town or County sewerage system,
6. Discovery that the permitted discharge causes or contributes to pass through or interference, and
7. Changes in the nature and character of the sewage received by the Town and County sewage treatment plants as a result of other permitted discharges.

B. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in §155-5.04(B)

### 4. Wastewater Discharge Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all the provisions of this Law, and all other applicable regulations, user charges and fees established by the Town. Permits may contain the following:

- A. Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization.
- B. Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
- C. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the Town sewerage system.
- D. Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- E. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- F. Compliance schedules.
- G. Requirements for submission of technical reports or discharge reports.
- H. Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Town, and affording the Superintendent access thereto.
- I. Requirements for notification of the Town of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the Town sewerage system.
- J. Requirements for the notification of the Town of any change in the manufacturing and/or pretreatment process used by the permittee.
- K. Requirements for notification of excessive, accidental, or slug discharges.
- L. Other conditions as deemed appropriate by the Town to ensure the protection of the public sewer system and compliance with this Law, and State and Federal laws, rules, and regulations.

**5. Duration of Wastewater Discharge Permits**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years.

**6. Reissuance of Wastewater Discharge Permits**

The User shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification, by the Superintendent, during the term of the permit, as limitations or requirements, as identified in §155-5.04(C), or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in §155-5.04(B).

**7. Transfer of Wastewater Discharge Permits**

Wastewater Discharge Permits are issued to a specific User for a specific operation, or discharge at a specific location. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new User, different premises, or a new or changed operation.

**8. Revocation of Wastewater Discharge Permits**

Wastewater Discharge Permits may be revoked for the following reasons:

- A. Falsifying self-monitoring reports
- B. Tampering with monitoring equipment
- C. Refusing to allow the Superintendent timely access to the industrial premises
- D. Failure to meet effluent limitations
- E. Failure to pay fines
- F. Failure to pay user charges
- G. Failure to meet compliance schedules.

**9. Public Notification**

The Town shall publish in the Town official newspaper(s), informational notice of intent to issue a Wastewater Discharge Permit, at least fourteen (14) days prior to issuance, except for temporary wastewater discharges of 90 days or less from any one User, such as discharge from a temporary remediation system, shall not require publication.

## **§155-5.05. Reporting Requirements for Permittee.**

### **A. General Requirements**

The reports or documents that are required to be submitted or maintained under this section shall be subject to the following general requirements:

1. The provisions of 18 USC Section 1001 relating to fraud and false statements;
2. The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
3. The provisions of Section (c)(6) of the Clean Water Act, as amended, regarding corporate officers.

### **B. Baseline Monitoring Report**

Within 180 days after promulgation of an applicable federal categorical pretreatment standard, a User subject to that standard shall submit, to the Superintendent, the information required by §155-5.04(B).

### **C. 90-Day Compliance Report**

Within 90 days following the date for final compliance with applicable pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the Town sewerage system, any User subject to pretreatment standards and requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the User's facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

### **D. Periodic Compliance Reports**

1. Any User subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the Town sewerage system, shall submit to the Superintendent biannually (unless required more frequently in the pretreatment standard or by the permit conditions) a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded

the average daily flow reported in §155-5.04(B). The schedule and format of submission shall be established in the permit conditions.

2. For Industrial Users, authorized by pretreatment standards as defined herein to utilize dilution practices, the Superintendent may impose mass limitations, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by §155-5.05(D)(1) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the User. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Superintendent, of pollutants contained therein, which are limited by the applicable pretreatment standard.

E. Violation Report

If sampling, performed by the User, indicates a violation of this Law and/or the User's Wastewater Discharge Permit, the User shall notify the Superintendent within 24 hours of becoming aware of the violation or immediately should the violation have the potential to create a hazard to receiving sewers or treatment systems. The form of the notification shall be established in the Wastewater Discharge Permit. See §155-511 regarding accidental discharges. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation unless otherwise directed by the Superintendent.

F. FROSI Reports

The Significant Industrial User shall provide all information necessary and in formats requested by the Superintendent for the Town to submit a Fast Report On Significant Industrial Users (FROSI) to the New York State Department of Environmental Conservation no later than January 15<sup>th</sup> of each calendar year.

G. Other Reports

The Superintendent may impose reporting requirements equivalent to the requirements imposed by §155-5.05(D) for Users not subject to pretreatment standards.

**§155-5.06. Flow Equalization.**

No User shall contribute slug discharges to the Town sewerage system. Each User that discharges greater than 100,000 gallons per day, or greater than five percent (5%) of the average daily flow, to the Town sewerage system, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Superintendent. A Wastewater Discharge Permit may be issued solely for flow equalization.

**§155-5.07. Monitoring Stations (Control Manholes).**

- A. All Significant Industrial Users, and other Industrial Users whose industrial waste discharge has caused, or may cause, interference or pass through and those Users subject to the installation of Grease, Oil and Sand Interceptors under §155-4.06 shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.
- B. If there is more than one building sewer serving an Industrial User, the Superintendent may require the installation of a control manhole on each building sewer.
- C. The Superintendent may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the Industrial User shall allow immediate access, without prior notice, to the station by the Superintendent, or his designated representative.

**§155-5.08. Proper Design and Maintenance of Pretreatment Facilities and Monitoring Stations.**

Wastewater pretreatment facilities, flow equalization facilities, and monitoring stations, if provided for any wastewater, shall be constructed and continuously operated and maintained in a clean and safe manner by the owner at the owner's expense. Where an Industrial User has such treatment, equalization, or monitoring facilities at the time this Law is enacted, the Superintendent may approve or disapprove the adequacy of such facilities. Where the Superintendent disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and specifications for such facilities shall be prepared by a New York State licensed professional engineer and submitted to the Superintendent. Construction of new or upgraded facilities shall not commence until written approval of the Superintendent has been obtained. An approved implementation schedule will be required.

**§155-5.09. Vandalism, Tampering with Measuring Devices.**

No person shall intentionally, or negligently break, damage, destroy, uncover, deface, tamper with, prevent access to or render inaccurate, or cause or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- A. Any structure, appurtenance, or equipment which is a part of the Town sewerage system, or
- B. Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law except as approved by the Superintendent.

**§155-5.10. Sampling and Analysis.**

- A. Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.
- B. All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law shall be carried out in accordance with Standard Methods for the Examination of Water and Wastewater or other approved standard, by a laboratory certified by NYSDOH to perform the analyses.
- C. Such samples shall be taken at the approved monitoring stations described in §155-5.07, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location approved by the Superintendent on the industrial building sewer before discharge to the public sewer.
- D. Unless specifically directed otherwise by the Superintendent, or unless specifically not allowed in federal regulation, samples shall be gathered as flow proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

**§155-5.11. Accidental Discharges; SPCC Plan.**

- A. Each User shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Law or of a Wastewater Discharge Permit. Users shall immediately notify the Superintendent of the accidental discharge of wastes which are or may be in violation of this Law or any Wastewater Discharge Permit. Such discharges may result from:
  - 1. Breakdown of pretreatment equipment
  - 2. Accidents caused by mechanical failure, or negligence
  - 3. Other causes.
- B. Where possible, such immediate notification shall allow the Superintendent to initiate appropriate countermeasure action at the Town and County sewage treatment plants. The User shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Superintendent shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.
- C. When required by the Superintendent, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Superintendent, for approval.

These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Town of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any federal prohibited discharge standard;
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

**§155-5.12. Posting Notices.**

In order that the Industrial User's employees be informed of the Town requirements, a notice shall be permanently posted on appropriate bulletin boards within the User's facility advising employees of the Town requirements and whom to call in case of an accidental discharge in violation of this Law.

**§155-5.13. Sample Splitting.**

When so requested in advance by an Industrial User, and when taking a sample of industrial wastewater, the Town representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols including any quality control (QC) procedures. One of the portions shall be given to the representative of the Industrial User whose wastewater was sampled, and the other portion shall be retained by the Town for its own analysis. Likewise, when so requested in advance by the Superintendent, the Industrial User shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols, including any quality control (QC) procedures.

**§155-5.14. Public Access to Information Maintained by the Superintendent.**

- A. When requested, the Superintendent shall make available, to the public, for inspection and/or copying, information and data on Industrial Users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the User. Wastewater constituents and characteristics, and reports of accidental discharges shall

not be recognized as confidential. Access to information will be provided by the Superintendent in accordance with requirements and procedures established in accordance with Town policy, procedure and the Freedom of Information Law (FOIL)

- B. Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this Law, or the SPDES permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with state or federal laws, rules and regulations. The Superintendent shall provide written notice to the Industrial User of any disclosure of confidential information to another governmental agency.

### **§155-5.15. Special Agreements.**

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the Town and any User of the Town sewerage system whereby wastewater of unusual strength or character is accepted into the Town sewerage system and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Town Board shall consider whether the wastewater will:

1. Pass-through or cause interference
2. Endanger the public municipal employees
3. Cause violation of the SPDES Permit
4. Interfere with any Purpose stated in §155-1.02
5. Prevent the equitable compensation to the Town for wastewater conveyance and treatment, and sludge management and disposal

No discharge that violates the federal pretreatment standards will be allowed under the terms of such special agreements.

No agreement shall be entered into without the User having been issued and presently having a permit to discharge wastes into the Town sewerage system for treatment and disposal. Additionally the User shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the Town before the agreement is entered into. The Town Board may condition the agreement.

## **ARTICLE VI. Compliance, Enforcement and Penalties**

### **§ 155-6.01. Access to Property and Records.**

#### **A. Access to Property and Records**

The Superintendent and other authorized representatives of the Town, representatives of USEPA, NYSDEC, NYSDOH, and/or Albany County Department of Health, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a User's compliance with applicable provisions of Federal and State law governing use of the Town sewerage system, and with the provisions of this Law. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under this Law. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the User shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Notwithstanding a resident's civil rights, the Superintendent or the Director or other duly authorized employee of the Town and/or the County, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling and testing the quantity and quality of waste discharges to the sewer or waterways or facilities for waste treatment in accordance with the provisions of this chapter

#### **B. Access to Easements**

The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Town holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Town sewerage system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

#### **C. Liability of Property Owner**

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in paragraphs C and D of §155-5.13, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises, provided they meet, or exceed, Federal, State and local requirements. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the

inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

**§ 155-6.02. Enforcement Response Plan.**

- A. The Superintendent shall be responsible for developing and implementing an Enforcement Response Plan that outlines, in a step-by-step fashion, the procedures to be followed to identify, document, and respond to violations by Users of the Town and County sewerage system. All violations by Users of the Town and County sewerage system shall be met with some type of enforcement response. The response shall be comprehensive and effective.
  
- B. The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:
  - 1. Magnitude of the violation
  - 2. Duration of the violation
  - 3. Effect of the violation on the receiving water
  - 4. Effect of the violation on the Town or County sewerage system
  - 5. Effect of the violation on the health and safety of the Town or County employees
  - 6. Compliance history of the User
  - 7. Good faith of the User
  
- C. The Town Board shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed at least every five years.

**§ 155-6.03. Administrative Remedies.**

- A. Notice of Violation

Whenever the Superintendent finds that any User has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Superintendent may serve upon such User a written notice stating the nature of the violation. Within ten (10) calendar days of the date that the Superintendent mails the notice, the User shall submit to the Superintendent an explanation of the violation and a plan for the

satisfactory correction and prevention thereof. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the notice of violation.

#### B. Consent Orders

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

#### C. Administrative or Compliance Orders

1. When the Superintendent finds that a User has violated or continues to violate this Law or a permit or consent order issued thereunder, the Superintendent may issue an administrative order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
2. The User may, within fifteen (15) calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
  - a. Reject any frivolous petitions,
  - b. Modify or suspend the order, or
  - c. Order the petitioner to show cause in accordance with §155-6.03(H) and may as part of the show cause notice request the User to supply additional information.

#### D. Revocation or Suspension of Registration

1. Failure to supply all materials free from defects and to execute all work in accordance with modern standard practices and applicable safety standards shall be cause for revocation or suspension of the registration. More specifically, the following current standards shall apply.
  - a. Pipe laying and trench backfill:

- i. ASTM Specifications C-12, C-13 and D2321.
    - ii. Gravity Sanitary Sewer Design and Construction, ASCE and WPCF.
    - iii. Building Code of New York State.
    - iv. Pipe manufacturer's recommendations.
    - v. American Society of Civil Engineers Manual on Engineering Practices No. 37
    - vi. Standard Specifications for Sanitary Sewer of the Town of Colonie inclusive of any construction drawings or typical details.
  - b. Trench excavation: safety standards and regulations of the New York State Department of Labor and Occupational Safety and Health Administration.
2. Excessive or unnecessary impacts to public roadways, sidewalks, rights-of-way, water, storm or sanitary utilities due to poor workmanship or negligence of the Lateral Contractor shall be cause for revocation or suspension of the registrant.
3. Failure to adequately protect the public from hazards associated with sewer installation or repair shall be cause for revocation or suspension of the registrant.
4. Failure to obtain a permit, maintain insurance, or schedule inspections, or Lateral Contractor's backfill of trenches prior to inspection shall be cause for revocation or suspension of the registrant.

#### E. Administrative Fines

1. Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or a Wastewater Discharge Permit or administrative order issued hereunder, shall be fined in an amount established by the Town Board. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.
2. The User may, within fifteen (15) calendar days of notification of the Superintendent's notice of such fine, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
  - a. Reject any frivolous petitions,
  - b. Modify or suspend the fine, or

- c. Order the petitioner to show cause in accordance with § 155-6.03(H) and may as part of the show cause notice request the User to supply additional information.

#### Cease and Desist Orders

1. When the Superintendent finds that a User has violated or continues to violate this Law or any permit or administrative order issued hereunder, the Superintendent may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:
  - a. Comply forthwith
  - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.
2. The User may, within fifteen (15) calendar days of the date the Superintendent mails notification of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
  - a. Reject any frivolous petitions,
  - b. Modify or suspend the order,
  - c. Order the petitioner to show cause in accordance with § 155-6.03(H) and may as part of the show cause notice request the User to supply additional information

#### F. Termination of Wastewater Discharge Permit

The Town may terminate a Wastewater Discharge Permit issued to any User for the following reasons:

1. Violation of permit conditions or conditions of an administrative order or special agreement,
2. Failure to accurately report the wastewater constituents and characteristics of its discharge, in the manner required by the conditions of the Wastewater Discharge Permit
3. Failure to report significant changes in operations or wastewater constituents and characteristics,

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

5. Failure to pay administrative fines, fees or user charges.

Non-compliant Industrial Users will be notified, by registered mail, of the proposed termination of their wastewater permit.

The User may, within fifteen (15) calendar days of the date the Superintendent mails such notification, petition the Superintendent to permit continued use of the Town sewerage system by the User. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

1. Reject any frivolous petitions,
2. Order the petitioner to show cause in accordance with § 155-6.03(G) and may as part of the show cause notice request the User to supply additional information.

#### G. Show Cause Hearing

The Superintendent may order any User appealing administrative remedies for violations of this Law to show cause, before the Town Board, why an enforcement action, initiated by the Superintendent, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Town Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Town Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with §155-6.03(I). Service shall be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with §155-6.03(I).

The Town Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Town to conduct the hearing:

1. Issue, in the name of the Town Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings,
2. Take the evidence,
3. Take sworn testimony,
4. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Board for action thereon.

After the Town Board has reviewed the evidence and testimony, it may order the User to comply with the Superintendent's order or fine, modify the Superintendent's order or fine, or vacate the Superintendent's order or fine.

#### H. Failure of User to Petition the Superintendent

In the event the Superintendent issues any administrative order, terminates the User's permit, or makes any fine as set forth in this article, and the User fails, within the designated period of time set forth, to petition the Superintendent, as provided in appropriate sections of this article, the User shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

#### I. Notice

The notices, orders, petitions, or other notification which the User or Superintendent shall desire or be required to give pursuant to any sections of this Law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the User pursuant to the sections of this Law shall be mailed to the User at the address where the User's effluent is discharged to the Town sewerage system. Any notice, petition, or other communication mailed to the Superintendent shall be addressed and mailed to the Town of Colonie Department of Public Works Division of Pure Waters.

#### K. Right to Choose Multiple Remedies

The Superintendent shall have the right, within the Superintendent's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this Article. The Superintendent may utilize more than one administrative remedy established pursuant to this Article, and the Superintendent may hold one show cause hearing that combines more than one enforcement action.

### **§ 155-6.04. Judicial Remedies.**

#### A. Civil Actions for Penalties

Any person who violates any of the provisions of, or who fails to perform any duty imposed by this Law, or any administrative order or determination of the Superintendent promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Town for a civil penalty not to exceed one thousand dollars (\$1000) for each such violation, to be assessed after a hearing (unless the User waives the right to a hearing) held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of

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 Town Attorney, or his designated attorney, at the request of the Superintendent in the name of the Town, in any court of competent jurisdiction giving preference to courts local to the Town. In addition to the above described penalty, the Superintendent may recover all damages incurred by the Town from any persons or Users who violate any provisions of this Law, or who fail to perform any duties imposed by this Law or any administrative order or determination of the Superintendent promulgated under this Law, or the terms of any permit issued hereunder. In addition to the above described damages, the Superintendent may recover all reasonable attorney's fees incurred by the Town in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other relative factors as justice may require.

Such civil penalty may be released or compromised by the Superintendent before the matter has been referred to the Town Attorney, and where such matter has been referred to the Town Attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town Attorney, with the consent of the Superintendent.

## B. Court Orders

In addition to the power to assess penalties as set forth in this Article, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

1. Suspending, revoking, or modifying the violator's Wastewater Discharge Permit,  
or
2. Enjoining the violator from continuing the violation.

Any such court order shall be sought in an action brought by the Town Attorney, at the request of the Superintendent, in the name of the Town, in any court of competent jurisdiction giving precedence to courts local to the Town.

The Town Attorney, at the request of the Superintendent shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude

and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

#### C. Criminal Penalties

Any person who willfully violates any provision of this Law or any final determination or administrative order of the Superintendent made in accordance with this Article shall be guilty of a Class A Misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000), or imprisonment not to exceed one (1) year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars (\$1000) per violation per day or imprisonment for not more than one (1) year or both.

No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

#### D. Additional Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Superintendent, through counsel may petition the Court, in the name of the Town, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Superintendent.

#### E. Summary Abatement

Notwithstanding any inconsistent provisions of this Law, whenever the Superintendent finds that any User is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Superintendent, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Superintendent may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as 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; or where the giving of notice is impracticable, or in the event of a

User's failure to comply immediately voluntarily with an emergency order, the Superintendent may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Superintendent shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

If the User is not within the geographic boundaries of the Town the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the inter-municipal agreement.

The Superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW or the environment. The Town is relieved of all financial liability associated with responding to an emergency caused by a violation of this Law and reserves the right to recoup expenses associated with mitigating the emergency.

#### **§ 155-6.05. Miscellaneous.**

##### **A. Delinquent Payments**

If there shall be any payments which are due to the Town, or any Department thereof, pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the Town, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

In the event that there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least sixty (60) calendar days as of December 15 of any year, the Superintendent and/or the Town Receiver of Taxes shall report the names of the defaulting persons to the Town Supervisor, the Town Clerk, the Town Sole Assessor, the Town Receiver of Taxes, and the Town Comptroller on or before December 15 of the same year. The Town Sole Assessor is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this Law, to the real property taxes due and owing to the Town in the next succeeding year, and the Town Sole Assessor is directed to collect the same in the same manner as real property taxes due and owing to the Town are collected.

Where charges are delinquent and the violator is not a resident of the Town, or is located outside the geographical boundaries of the Town, then the Town Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the User is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and

interest, as provided for in the Law, to the real property taxes due to the County in the next ensuing year.

**B. Performance Bonds**

The Superintendent may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

**C. Liability Insurance**

The Superintendent may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage caused by its discharge.

**D. Informant Rewards**

The Superintendent is authorized to pay up to five hundred dollars (\$500) for information leading to the discovery of noncompliance by a User.

**E. Public Notification**

The Superintendent shall provide public notification, in the newspaper with the largest circulation in the Town and/or the official Town newspaper, of Users that were in significant non-compliance of local or Federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year. The cost of such publications shall be shared equally amongst the Users listed in the public notification.

**F. Contractor Listings**

1. Users that have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town.
2. Existing contracts for the sale of goods or services to the Town held by a User found to be in significant violation with pretreatment standards may be terminated at the discretion of the Town Board.

## SECTION 2. SEQR DETERMINATION

The Town hereby determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act (“SEQRA”) is required.

## SECTION 3. EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2018 of the **Town of Colonie** was duly passed by the Town Board on March 8, 2018 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2018 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2018, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2018, in accordance with applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2018 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2018, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2018. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 2012, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2018 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2018, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2018. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2018, in accordance with the applicable provisions of law.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2018 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 2018, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2018 of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 2018, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

(Seal) \_\_\_\_\_  
Clerk of the Town or officer designated by local legislative body  
Date:

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

STATE OF NEW YORK  
COUNTY OF ALBANY

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

\_\_\_\_\_  
Town of Colonie Town Attorney  
Date: