



**PORT WASHINGTON
WATER POLLUTION CONTROL DISTRICT
SEWER USE ORDINANCE**

**70 Harbor Road
Port Washington, NY 11050**

**Adopted January 18, 1977
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Sewer Use Ordinance
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Port Washington Water Pollution Control District

Sewer Use Ordinance

SECTION I

This ordinance shall be known and be cited as the "Port Washington Water Pollution Control District Sewer Use Ordinance."

SECTION II - DEFINITION OF TERMS USED IN THIS ORDINANCE ARE AS FOLLOWS:

1. Board - The Board of Commissioners of the Port Washington Water Pollution Control District.
2. District - The Port Washington Water Pollution Control District in the Town of North Hempstead, Nassau County, New York.
3. Compatible Pollutant - Biochemical Oxygen Demand, suspended solids, pH and fecal coliform bacteria.
4. Incompatible Pollutant - Any pollutant which is not a compatible pollutant as defined in II-3.
5. Major Contributing Industry - An industrial user of the District owned wastewater facilities that:
 - (a) has a flow of 50,000 gallons or more per average work day.
 - (b) has a flow of greater than 5% (five percent) of the flow carried by the District wastewater facilities receiving the waste.
 - (c) has in its wastewater, a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972.
 - (d) is found by the permit issuance authority, in conjunction with the issuance of an NPDES permit to the District wastewater treatment plant receiving the wastewater, to have significant impact, either singly or in combination with other contributing industries, on that wastewater treatment plant or upon the quality of effluent from that wastewater treatment plant.
 - (e) has a wastewater discharge with constituents which exceed the limits stated in SECTION IX - INCOMPATIBLE POLLUTANTS of this Ordinance. [3/87]
6. N.P.D.E.S. Permit - Any permit or equivalent document or requirement issued to regulate the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the ocean, by the Administrator of the U.S. Environmental Protection Agency pursuant to Sections 402 and 405 of the Federal Water Pollution Control Act Amendments of 1972.)
7. Pretreatment - Treatment of wastewaters from sources before introduction into the wastewater facilities.

8. Biochemical Oxygen Demand (BOD) - The quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade as determined by appropriate procedures described in "Standard Methods".

9. 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, beginning (5) feet outside the inner face of the building walls.

10. Building Sewer - The extension from the building drain to the public sewer or other place of disposal, also called house connection.

11. Chemical Oxygen Demand (COD) - The measure of chemically decomposable material in domestic or industrial wastewater as represented by the oxygen utilized as determined by the appropriate procedure described in "Standard Methods".

12. Chlorine Demand - The difference between the amount of chlorine added to a wastewater sample and the amount remaining at the end of a 30 minute period as determined by the procedure given in "Standard Methods".

13. Combined Sewer - A sewer intended to receive both wastewater and storm or surface water.

14. Composite - A combination of individual (or continuously taken) samples obtained at regular intervals over the entire discharge day. The volume of each sample shall be proportional to the discharge flow rate. For a continuous discharge a minimum of 24 individual grab samples (at hourly intervals) shall be collected and combined to constitute a 24 hour composite sample. For intermittent discharges of 4 - 8 hours duration, grab samples shall be taken at a minimum of 30 minute intervals. For intermittent discharges of less than four hours duration, grab samples shall be taken at a minimum of 15 minute intervals.

15. Domestic Wastewater - The water carried wastes produced from non-commercial or non-industrial activities and which result from normal living processes.

16. Discharger - Any person that discharges or causes a discharge to a public sewer.

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

18. Grab - An individual sample collected in less than 15 minutes.

19. Industrial Wastewater - All water carried wastes and wastewater of the District, excluding domestic wastewater and unpolluted water, and shall include all wastewater from any

producing, manufacturing, processing institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin.

20. Milligrams Per Liter (mg/l) - A weight to volume ratio which when multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water; parts per million parts (ppm).

21. Natural Outlet - Any outlet including storm sewers, into a water-course, pond, ditch, lake, or other body of surface or ground water.

22. Person - Includes any corporation, organization, government or governmental subdivision or agency, business, trust, partnership, association, individual or other legal entity.

23. pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

24. Properly Shredded Garbage - Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

25. Public Sewer - A sewer in which all owners of abutting properties have equal right, and is controlled by the District.

26. Sanitary Sewer - A sewer which carries wastewater and to which storm surface and groundwaters are not intentionally admitted.

27. Sanitary Sewage - Domestic Wastewater.

28. Sewage - Wastewater.

29. Sewer - A pipe or conduit for carrying wastewater or drainage water.

30. Slug - Any discharge of wastewater 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 (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or the performance of the wastewater treatment plant.

31. Standard Methods - The examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater " as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

32. Storm Sewer (sometimes termed storm drain) - A sewer for conveying storm water from street run-off and other drainage areas, groundwater, subsurface water or unpolluted water into which domestic and industrial wastewaters are not intentionally passed.

33. Storm Water - Water which results from precipitation, such as rain or snow, and runs off or drains away during or after such precipitation.

34. Suspended Solids - Solids measured in milligrams per liter (mg/l) that either float on the surface or are in suspension in water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device in accordance with the procedure described in "Standard Methods".

35. Unpolluted Water - Any wasted water of the District not contaminated or polluted with wastewater and which is suitable for discharge to the municipal storm water drainage system.

Unpolluted water shall be water containing the following:

- (a) no free or emulsified grease or oil.
- (b) no acids or alkalis.
- (c) no phenols or other substances producing taste or odor in receiving waters.
- (d) no toxic or poisonous substances in suspension, colloidal state, or solution.
- (e) no noxious or otherwise obnoxious or odorous gases.
- (f) not more than ten (10) mg/l each of suspended solids and BOD.
- (g) color not exceeding 15 units as measured by the Platinum-Cobalt method of determination or specified in Standard Methods.

36. Waste - Rejected, unused, or superfluous substances in liquid, gaseous, or solid state resulting from domestic, agricultural, or industrial activities.

37. Wastewater - The spent water of the District. From the standpoint of sources, it may be a combination of the liquid and water - carried from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water and stormwater that may be present.

38. Wastewater Facilities - A network of wastewater collection, conveyance, treatment and disposal facilities interconnected by sewers and owned by the District.

39. Wastewater Treatment Plant - Any District owned facility, devices, and structures used for the receiving, processing, and treating wastewater.

40. Water Course - Any natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

SECTION III - USE OF PUBLIC SEWERS REQUIRED

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on any property owned by the Port Washington Water Pollution Control District, any human or animal excrement, garbage or objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the Port Washington Water Pollution Control District, or in any area under the jurisdiction of said District, any wastewater or other polluted waters, except where suitable treatment has been approved by the Board of Commissioners.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District 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 sewer of the District, is hereby required at the owner(s) 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 ordinance, within one hundred and eighty (180) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

SECTION IV - PRIVATE WASTEWATER DISPOSAL

1. Where a public sanitary sewer is not available under the provisions of Section III, 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.
2. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the Board of Commissioners. The application for such permit shall be made on form furnished by the District with the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Board. A permit and inspection fee in the amount stated on the application form shall be paid to the District at the time the application is filed.
3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Board. The Board or its authorized representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Board or its authorized representative when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice to the Board or its authorized representative.

4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all the requirements of the Nassau County Department of Health, and all other regulating Agencies having jurisdiction thereover. No septic tank shall be permitted to discharge to any natural outlet.
5. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section III, 4, a direct connection shall be made to the public sewer within one hundred and eighty (180) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
6. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the District.
7. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Nassau County Department of Health, the New York State Department of Environmental Conservation and the United States Environmental Protection Agency.

SECTION V - USE OF PUBLIC SEWERS

1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the Board of Commissioners or its authorized representative.
2. All applications to construct, install, alter, replace modify or change a building sewer, shall be made and submitted to the District in writing, upon the form provided for such purpose by the District.
3. The permit fee, in the amount stated on the application form, shall accompany such application.
4. No permit to connect to the public sanitary sewer will be issued until a finished roof is on the building and the cellar plumbing is in place and inspected by the Board or its authorized representative and the cellar floor completed.
5. No work shall be commenced on the building sewer until the permit applied for has been issued by the District, and in any event, such commencement shall be preceded by three (3) days notice to the District of intent to commence.
6. The owner shall obtain all necessary permits to open any highway for the connection to the public sewer and shall be responsible for all damage to persons or property occasioned by such opening. Pavement replacement shall conform to the requirements of the authority having jurisdiction over said pavement.

7. No person shall discharge or continue to discharge to any public sewer any wastewater which includes or consists of industrial wastewater without first making application in writing on forms provided by the District to make such discharge.

SECTION VI - BUILDING SEWERS AND CONNECTIONS

1. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

2. All work shall conform to the Plumbing Code of the municipal subdivision having jurisdiction, which includes:

- The Town of North Hempstead
- The Incorporated Village of Baxter Estates
- The Incorporated Village of Flower Hill
- The Incorporated Village of Port Washington North

3. Only those persons licensed to perform plumbing in the municipal subdivision above listed and supplying to the Board a Plumber's Bond as approved by the Board as well as liability insurance in amounts specified by the Board of Commissioners, naming the District as an additional insured, shall be authorized to perform such plumbing and or make connections to the public sewer. [rev. 5/90]

4. The point of connection to the public sanitary sewer shall be as designated by the Board or its authorized representative. The building sewer shall be run directly from said point to the wastewater outlet of the connected building.

5. The building sewer shall be constructed of one of the following materials: (a) extra heavy cast iron pipe with lead caulked joints throughout, (b) extra heavy cast iron hub and spigot soil pipe and fittings with push on compression joints consisting of one piece rubber gasketed hub and plain end spigot, (c) cement asbestos pipe with approved joints, or (d) polyvinyl chloride (PVC) plastic gravity sewer pipe and fittings conforming to ASTM D-3034, SDR 35, with integral wall bell, solid cross section rubber ring and spigot push on joints. All joints shall be watertight. The building sewer shall be a minimum of five (5") inches in diameter. [rev. 3/87]

6. No part of the building sewer shall be covered with backfill until it has been inspected by a representative of the District. The actual connection to the public sewer or manhole of the District shall be made only in the presence of, and in the manner directed by said representative.

7. All excavation and backfilling adjacent to any part of the public sewer system shall be done by hand labor and the trench backfill shall be hand tamped to a depth of two (2) feet over the top of the pipe. All backfilling more than two (2) feet above the pipe shall be solidly compacted by mechanical tamping or other approved methods as the work progresses in six (6) inch lifts.

8. When determined by a representative of the District, shoring or sheeting shall be installed in the building sewer excavation, as approved by such representative, and if he shall also determine, such shoring or sheeting shall be left in place and cut off two (2) feet below the surface of the ground.

9. When, in the opinion of the Board of Commissioners, any extraordinary conditions exist, the Board shall determine the specifications and methods under which sewer connections shall be made, or building sewers installed.

10. All new industrial buildings shall construct a control manhole in order to facilitate sampling of the wastewater discharge. The control manhole shall be constructed in a location acceptable to the District. All new and existing commercial buildings, as well as existing industrial buildings, may be required to construct a control manhole if it is deemed necessary by the Board of Commissioners.

The control manhole shall be constructed in accordance with District specifications. [5/90]

SECTION VII - PROHIBITED WASTES

No waste introduced into the District owned wastewater facilities shall interfere with the operations of the facilities.

Specifically, the following wastes, wastewaters and substances shall not be discharged into any building sewer, or any portion of the wastewater facilities of the District.

1. Stormwater, surface water, groundwater, roof run-off, subsurface drainage, unpolluted cooling water, or unpolluted industrial process water.
2. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
4. Any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard in the receiving waters of the wastewater treatment plant or cause the effluent from such plant not to meet State, Interstate or Federal requirements for the receiving waters.
5. Any waters or wastes having pH lower than 5.5 or higher than 9.5 or having a corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities.
6. Solid or viscous substances in quantities or of such size capable or causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such

as, but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

7. Wastewater having a temperature higher than 150 degrees Fahrenheit.

8. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

9. Wastewater from industrial plants containing floatable oils, fat or grease.

10. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

11. Any noxious and/or malodorous solids, liquids or gases, which alone or by reaction with other substances will create a public nuisance or hazard to persons, or prevent entry to the wastewater facilities of the District by District personnel or personnel of public emergency forces.

12. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board or its authorized representative in compliance with applicable state or federal regulations.

13. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

14. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

15. Any wastewater containing more than 100 mg/l of vegetable or animal based fats, oils or grease.

16. Any industrial wastewater having a color of an intensity in excess of 1000 mg/l. In testing such intensity, samples shall be diluted with distilled water to bring the range within 10 to 50 ppm and judged on a basis of "intensity" or transmission of light rather than "true color" (Platinum Cobalt Standard).

17. Any wastes from gasoline or diesel engine cleaning operations.

18. Paints, paint solvents or paint wastes.
19. Any plating bath wastes, formaldehyde and carbide wastes.
20. Wastewaters containing over 2.0 mg/l hydrogen sulfide, sulphur dioxide, nitrous oxide or any halogen.
21. Substances having a flash point lower than 187 degrees Fahrenheit.
22. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.

SECTION VIII - PRETREATMENT OF COMPATIBLE POLLUTANTS

In addition to the requirements under Section VII, the following pretreatment limits shall be met by all dischargers to the District wastewater facilities:

1. Biochemical Oxygen Demand (BOD) or equivalent oxygen demand test shall be limited on an individual basis, if deemed necessary by the Board or its authorized representative.
2. As above (1) substituting Suspended Solids in place of BOD.
3. pH shall be between 5.5 and 9.5

SECTION IX - INCOMPATIBLE POLLUTANTS

1. In addition to the prohibitions set forth in Section VII, the pretreatment standard for incompatible pollutants introduced into the District wastewater facilities shall be, for sources within an industrial, commercial or institutional category, that established by the promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to Sections 301 (b) and 304 (b) of the Federal Water Pollution Control Act Amendments of 1972. Industrial, commercial and institutional dischargers shall also comply with the requirements of Sections 204 (b), 307 and 308 of the Federal Water Pollution Control Act Amendments of 1972.

In no case shall the following limitations be exceeded by any discharge to the District wastewater facilities:

<u>PARAMETER</u>	<u>LIMIT</u>
Chlorine Demand (30 minutes)	15 mg/l
Total Dissolved Solids	1000 mg/l
*Nitrogen - Total	20 mg/l
Phosphorus - Total	50 mg/l
 Sulfide	 2.0 mg/l

<u>PARAMETER</u>	<u>LIMIT</u>
Chloride	500 mg/l
Cyanide - Total	0.1 mg/l
Flouride	18.0 mg/l
Aluminum - Total	1.2 mg/l
Arsenic	0.25 mg/l
Barium	2.0 mg/l
PCB	1.0 ug/l (PPB)
Cadmium - Total	0.1 mg/l
Chromium (hexavalent)	0.05 mg/l
Chromium - Total	0.25 mg/l
Copper - Total	0.4 mg/l
Iron - Total	1.5 mg/l
Lead - Total	0.1 mg/l
Manganese - Total	2.0 mg/l
Mercury - Total	0.10 mg/l
Nickel - Total	2.0 mg/l
Selenium - Total	0.10 mg/l
Silver - Total	1.05 mg/l
Sodium - Total	500 mg/l
Zinc - Total	4.0 mg/l [(rev. 3/87]
Phenols - Total	0.5 mg/l

*By definition, total nitrogen shall include the cumulative concentrations of organic nitrogen, ammonia nitrogen, nitrite nitrogen and nitrate nitrogen

2. Toxic chemicals defined in the regulations promulgated pursuant to Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972 shall not be discharged into the District owned wastewater facilities in concentrations in excess of those permitted in said regulations.

SECTION X - PRETREATMENT REQUIREMENTS

1. If any waters or wastes are discharged, or are proposed to be discharged to the wastewater facilities, which in the judgment of the Board or its authorized representative may have a deleterious effect on the wastewater facilities, processes, equipment or receiving waters; may result in the contravention of the effluent requirements of the N.P.D.E.S. permit for the District wastewater treatment plant; or which otherwise create a hazard to life or constitute a public nuisance, the Board or its authorized representative may:
 - (a) Reject the wastes.
 - (b) Require pretreatment to an acceptable condition for discharge to the wastewater facilities; or
 - (c) Require control over the quantities and rates of discharge.

If the Board or its authorized representative permits the pretreatment or equalization of wastewater flows, the design and installation of the treatment plants and equipment shall be subject to review and approval of the Board or its authorized representative, the administrator of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation and the Nassau County Department of Health.

2. Pursuant to Section 307 (b) (1) of the Federal Water Pollution Control Act Amendments of 1972 the Administrator of the United States Environmental Protection Agency published in the Federal Register, Volume 38, No. 215 on Thursday, November 8, 1973 and will publish from time to time thereafter, "Pretreatment Standards" for pollutants introduced into a publicly owned treatment works. Nothing in this ordinance shall be construed to relieve any major industrial contributor from their obligations to comply with these standards.

3. Grease, oil and sand interceptors shall be provided when in the opinion of the Board or its authorized representative, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board or its authorized representative, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of the interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates, and means of disposal which are subject to review by the Board or its authorized representative. Any removal and hauling of the collected materials not performed by the owner(s) personnel must be performed by currently licensed waste disposal firms.

4. Where pretreatment or flow-equalizing facilities are provided for any wastewaters, they shall be maintained continually in satisfactory and effective operation by the owner at his expense.

5. Pretreatment or flow-equalizing facilities shall be provided with an alternate source of power to operate all such facilities or the owner of the facilities shall indicate in writing to the Board or its authorized representative that production shall be controlled or the discharge handled in such a manner that in the event the primary source of power to the pretreatment or flow equalizing facilities fails, any discharge to the public sewer will comply with the limits established by the Board or its authorized representative pursuant to this ordinance. This alternate power supply must be separate from the existing power source used to operate the pretreatment or flow equalizing facilities and must be operational at the time construction of these facilities has been completed.

6. Screenings, sludges and other solids and precipitates separated from the wastewaters by pretreatment facilities shall be disposed of in such a manner as to prevent entry of such materials into the wastewater facilities.

7. There shall be no bypass of the pretreatment facilities which would allow the entry of untreated or partially treated wastes to the public sewer system.

8. When required by the Board or its authorized representative, the owner of any property serviced by a building sewer carrying industrial wastewater shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Board or its authorized representative. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

SECTION XI - SCHEDULE OF COMPLIANCE

1. Any discharger to which the pretreatment standards required by this Ordinance and/or the applicable provisions of the Federal Water Pollution Control Act Amendments of 1972 are applicable, shall comply with a schedule of compliance to be established by the Board of its authorized representative for each such discharger.

Each such discharger shall report to the Board or its authorized representative with 14 days following each date on the schedule detailing its compliance or noncompliance with the schedule date and requirement. The schedule of compliance will include the following milestones:

- (a) The preparation and submission of an engineering report covering the proposed pretreatment facilities and effluent limits to be achieved by such pretreatment facilities.
- (b) The preparation and submission of final plans and specifications for the pretreatment facilities.
- (c) Commencement of construction of the pretreatment facilities.
- (d) Completion of the construction of the pretreatment facilities.
- (e) Date by which operational levels required to achieve specified limits shall be attained.

2. If the time period allotted for the completion of an interim report requirement as indicated above is greater than 9 months then the discharger shall submit a report to the Board or its authorized representative, detailing its progress toward completion of the interim requirement at the end of the first 9 month period and at the end of each succeeding 9 month period including the report specified above required within 14 days following the specified date to be established by the Board or its authorized representative.

3. Each notice of non compliance shall include the following information:

- (a) A short description of the non compliance;
 - (b) A description of any actions taken or proposed by the discharger to comply with the elapsed schedule requirement without further delay.
 - (c) A description of any factors which tend to explain or mitigate the non compliance;
- and

(d) An estimate of the date the discharger will comply with the elapsed schedule requirement and the assessment of the probability that the discharger will meet the next schedule requirement on time.

4. All reports, plans and/or specifications that propose pretreatment facilities must be approvable, and signed and sealed by a professional engineer, licensed to practice in the State of New York. All such documents shall be subject to review and approval by the Board or its authorized representative, the Administrator of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation and the Nassau County Department of Health.

SECTION XII - INDUSTRIAL WASTEWATER SAMPLING, ANALYSIS AND FLOW MEASUREMENTS

1. Each major contributing industry shall upon the request of the Board or its authorized representative take daily 24-hour composite samples and measure and record the flow in gallons per day of intake water (surface water body only) and of each discharge over a typical production period of a least 7 consecutive operating days. One or two grab samples per day shall also be taken during maximum anticipated waste loadings (i.e. maximum production period, batch dumping, washing operation). This sampling program shall be carried out to insure complete, reliable results which will typify the industry's discharge.

The parameters to be analyzed for and reported on by each industry shall be determined by the Board or its authorized representative.

Grab samples only shall be taken for analysis of dissolved oxygen, oil and grease, pH and any bacteriological analysis.

Each major contributing industry shall submit a report to the Board or its authorized representative within 60 days after receipt of his request to sample, setting forth the results of the analyses of the sampling program, the recorded flows during the sampling period and the following additional data.

- (a) The average and peak flow rates in million gallons per day.
- (b) A schematic diagram for the industry, showing the sources of all wastewater within the plant. The schematic should indicate the internal processes with a basic description of influent and effluent parameters for each process.
- (c) The maximum daily number of production units (i.e., the highest average level sustained for seven consecutive days of normal production should be specified).
- (d) The types and amounts of raw materials consumed to produce the units stated in (c).

2. In addition to the specific requirements under paragraph 1 above for major contributing industries, periodic sampling, analysis and flow measurements of industrial wastewaters shall be made by all industrial and commercial firms and hospitals discharging to District wastewater

facilities unless specifically relieved of such obligation by the Board or its authorized representative. The parameters to be analyzed for and reported on by each such discharger shall be determined by the Board.

3. All dischargers required to make flow measurements shall furnish and install at the control manhole or other approved location, a calibrated flume, weir, flow meter or similar device approved by the Board or its authorized representative and suitable to measure the industrial wastewater flow rate and total volume. All major contributing industries must provide a means of continuous measurement and recording of industrial wastewater flows. The flow measurement system shall indicate, totalize and record total and peak flows.

The flow measurement system must be approved by the Board or its authorized representative. Those dischargers other than major contributing industries, required to make flow measurements may in lieu of making such flow measurements, provide the Board or its authorized representative with records of water usage to determine average flow rates.

4. All sampling, analyses and flow measurements shall be performed by personnel employed by a laboratory or Engineering firm approved by the Board or its authorized representative.

The sampling analyses and flow measurement procedures, equipment and results shall be subject at any time to inspection by the Board or its authorized representative. Sampling and flow measurement facilities shall be such as to provide safe access to authorized personnel.

5. Those industrial wastewater dischargers required to make periodic measurements of their wastewater flows and its constituents shall annually make the minimum number of such measurements required. Composite samples of the industrial wastewater shall be obtained for the required analyses. Dischargers required to sample on only a few days per year shall sample during the period of highest wastewater flow and wastewater condischargers.

6. Adequate care shall be maintained in obtaining, recording, and reporting the required data on wastewater effluent quality and quantity, so that the precision and accuracy of the data will be equal to or better than that achieved by the prescribed standard analytical procedures.

The industrial wastewater discharger shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at sufficiently frequent intervals to ensure accuracy of measurements.

Sampling shall be representative of the volume and quality of wastewater effluent discharged over the sampling and reporting period. When required by the Board or its authorized representative dischargers shall install and maintain in proper order automatic flow proportional sampling equipment and/or automatic analysis and recording equipment.

Care shall be exercised when collecting a composite sample such that proper preservation is present in the sample container during sample collection. Depending on the analysis to be

conducted, several different containers and preservation techniques may be required. Samples shall be analyzed as quickly as possible after collection.

The industrial wastewater discharger is responsible that the methodology used is reliable for their specific wastes in their laboratory. Such discharger must be able to demonstrate to the Board or its authorized representative that they have a viable quality control program.

7. The industrial wastewater discharger shall maintain and record the results of all required analyses and measurements and shall record, for all samples, the date and time of sampling, the sample method used, the dates analyses were performed, who performed the sampling and analyses, and the results of such analyses.

All records shall be retained for a minimum of 3 years, such a period to be extended during the course of any unresolved litigation or when so requested by the Board or its authorized representative. The industrial wastewater discharger also shall retain all original stripchart recordings from any continuous monitoring instrumentation and any calibration and maintenance records for a minimum of 3 years, such period to be extended during the course of any unresolved litigation or when so requested by the Board or its authorized representative.

The industrial wastewater discharger shall provide the above records and shall demonstrate the adequacy of the flow measuring and sampling methods upon request of the Board or its authorized representative. The industrial wastewater discharger shall identify the effluent sampling point used for each discharge pipe by providing a sketch or flow diagram, as appropriate, showing the locations.

8. All measurements, tests and analyses of the characteristics of industrial wastewaters to which reference is made in this ordinance, shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been provided, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater facilities, and to determine the existence of hazards to life, limb and property.

Following promulgation of guidelines establishing test procedures for the analysis of pollutants, published pursuant to Section 304 (g) of the Federal Water Pollution Control Act, as amended, all sampling and analytical methods used to meet the requirements of this Ordinance shall conform to such guidelines. If the Section 304 (g) guidelines do not specify test procedures for any pollutants required to be analyzed by the Ordinance and until such guidelines are promulgated, sampling and analytical methods used to meet these requirements shall, unless otherwise specified by the Board or its authorized representative, conform to the latest edition of the following references:

Standard Methods for the Examination of Water and Wastewaters

13th Edition, 1971 American Public Health Association, New York, New York 10019.

A. S. T. M. Standards, Part 23, Water, Atmospheric Analysis, 1972, American Society for Testing and Materials, Philadelphia, Pennsylvania, 19103

W. Q. O. Methods for Chemical Analysis of Water and Wastes, April, 1971, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, NERC, 1014 Broadway, Cincinnati, Ohio, 45268.

9. The results of the above sampling, analyses and flow measurement requirements shall be reported by the industrial wastewater discharger to the Board or its authorized representative. A report or written statement shall be submitted even if no discharge occurred during the reporting period. A report shall also be submitted if there have been any modifications in industrial wastewater pretreatment facilities, changes in operations procedures, changes in wastewater characteristics, resulting in the discharge of a substance which was indicated as absent in previous reports and other information submitted by the discharger, or other significant activities which alter the quality and quantity of the dischargers. Permanent elimination of a discharge shall be promptly reported by the discharger in writing to the Board or its authorized representative.

The industrial wastewater discharger shall include in this report any previously approved non-standard analytical methods used.

In addition, all industrial wastewater dischargers providing pretreatment of their industrial wastewaters shall also include in their reports the following information:

- (a) The sources of the screenings, sludge and other solids and precipitates removed from the wastewater to be disposed of;
- (b) The approximate volumes and weights of these materials;
- (c) The method by which they were removed and transported;
- (d) Their final disposal locations.

Copies of the report should be sent to the Board or its authorized representative on the 10th of each month following the month in which the sampling occurred. The report shall be in a form approved by the Board or its authorized representative.

10. All reports required to be submitted by an industrial wastewater discharger must be signed by a principal of the industrial firm and a principal of the laboratory or engineering firm that secured and analyzed the wastewater samples. For Corporations the report must be signed by a principal executive officer of at least the level of vice president. In the case of a partnership or a sole proprietorship, all reports must be signed by a general partner or the proprietor respectively.

SECTION XIII - FREQUENCY OF INDUSTRIAL WASTEWATER SAMPLING,
ANALYSES AND FLOW MEASUREMENTS

1. The minimum frequency of sampling, analyses and flow measurement by all industrial and commercial firms and hospitals discharging to the wastewater facilities shall be in accordance with the following schedule unless otherwise required by the Board or its authorized representative.

SCHEDULE OF SAMPLING, ANALYSES AND FLOW MEASUREMENTS

<u>AVERAGE ANNUAL WASTEWATER FLOW</u>	<u>MINIMUM FREQUENCY (a)</u>
0 - 100,000 gallons	None required
100,000 to 1,000,000 gallons	One per year
1,000,000 to 5,000,000 gallons	One per six months
5,000,000 to 12,000,000 gallons	One per three months
Over 12,000,000 gallons and all major contributing industries	One per month

(a) Dischargers required to submit only annual characterization analysis data should submit it directly to the Board or its authorized representative on July 1; dischargers required to submit data every six months should submit data on January 1 and July 1; dischargers required to submit data every three months should submit data on January 1, April 1, July 1, and October 1; dischargers required to submit data monthly should submit data on the 10th of each month following the month in which the sampling occurred.

2. Industrial plants with large fluctuations in quantity or quality may be required to provide continuous sampling and analyses for every operating day.

SECTION XIV - POWERS AND AUTHORITY OF INSPECTORS

1. The Board and other duly authorized employees, representatives or agents of the District, bearing proper credentials and identification shall have the right:

- (a) To enter upon a dischargers property for the purpose of inspection.
- (b) To have access to and copy at reasonable times any records required by the District.
- (c) To inspect any monitoring equipment associated with the discharge.
- (d) To measure and/or sample any discharge to the District wastewater facilities.

The Board or its authorized representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and course of discharge to the wastewater facilities or waterways.

2. The Board or its authorized representatives bearing proper credentials and identification shall be permitted to enter all private properties over which the District holds an easement agreement for the purposes of such inspection, observations, measurements, sampling, repair and maintenance of the wastewater facilities lying within the said easement, as are included in the terms of said easement agreement.

3. Authorized employees bearing proper credentials of the United States Environmental Protection Agency (USEPA) and the New York State Department of Environmental Conservation (NYSDEC) shall have the authority to enter properties of the contributing industries for the purposes of inspection, observation, measurement, sampling and testing.

SECTION XV - REPAIR OF BUILDING SEWER

1. The maintenance, repair and operation of a building sewer to the point of connection to the public sewer shall be the owner's responsibility and shall conform to the rules and regulations of the District now in force or hereinafter adopted.

2. No person shall make or cause to be made any repair of a building sewer without having first notified the District in writing on printed forms furnished by the District.

3. No fee is required on filing the application for the repair of a building sewer.

SECTION XVI - ABANDONMENT OR DEMOLITION

In the event that a building that is connected to the Port Washington Water Pollution Control District's public sewer is to be abandoned or demolished, or the Certificate of Occupancy is withdrawn, the connection to the sewer is to be disconnected at the original point of connection to the District public sewer and the District public sewer is to be plugged in a manner and with a plug that is satisfactory to the District. The public sewer is to be disconnected, plugged and inspected prior to the start of any work on the site.

1. No person shall make or cause to be made any disconnection to the public sewer without first having notified the District in writing on forms furnished by the District.

2. The permit fee, in the amount stated on the application forms shall accompany such application.

SECTION XVII - PROTECTION FROM MALICIOUS DAMAGE

1. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities.

2. Except for invitees, licensees, District personnel and general contractors performing services for the District, all individuals found to be on District property referred to as Lions Field and Sunset Park after 12:00 midnight shall be considered trespassers and shall be subject to prosecution. All other individuals, except for District personnel and general contractors, found to be on any other District property at any time without authorization, shall be considered trespassers and shall be subject to prosecution.

3. Any person(s) violating the foregoing provisions shall be subject to immediate arrest under charge of disorderly conduct.

4. It is the purpose of this ordinance to protect the public interest, welfare, health and safety on all property owned by the Port Washington Water Pollution Control District by prohibiting the consumption of alcoholic beverages on District property. The commissioners find that possession of an open or unsealed container of alcoholic beverage on District Property leads to consumption of the same, resulting in public intoxication, disorderly conduct, disturbance of the public peace, littering of the District property and destruction of same. The Commissioners find further that the preservation of the public health and the prevention of conditions which lead to conduct disturbing the public peace, which, attributable to consumption of alcoholic beverages, can be accomplished by the prohibition of consumption of alcoholic beverages on District Property and by restricting the possession of an open or unsealed container of alcoholic beverages under circumstances which indicate that the possessor of such open or unsealed container in a public place intends to consume the same or intends to have it consumed by another person.

Definitions.

For purposes of this ordinance, the following words or phrases shall have the meanings ascribed to them herein. All other words or phrases shall have the meanings normally ascribed to them in regular usage:

ALCOHOLIC BEVERAGE - Includes any liquor, beer, wine, spirits, cider or other liquid, patented or not, composed of or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a human being.

CONTAINER - Any bottle, can, glass, cup or other receptacle of any kind.

DISTRICT PROPERTY - Property owned by the District whether used for District purposes or public use.

DISTRICT - The Port Washington Water Pollution Control District.

Prohibited Activities.

It shall be a violation of this Ordinance for any person to:

- A. Consume any alcoholic beverage on any District Property.
- B. Have in his possession an open or unsealed container of an alcoholic beverage while in any public place for the purpose of consuming such alcoholic beverage by himself or by another on any District Property.

Exceptions.

The foregoing prohibition shall not apply to consumption of an alcoholic beverage or possession for the purpose of consumption on District Property where the same is authorized by license or permit under the laws and regulations of this state and under the regulations of the District or a gathering or function for which permission has been previously granted by the Board of Commissioners.

Presumption of intent.

For the purposes of this Ordinance, the following rebuttable presumption shall apply: The possession by a person of any open or unsealed container which contains an alcoholic beverage while in or upon District Property, as described above, shall be presumptive evidence that said container is possessed with the intent to consume the contents thereof.

Penalties for offenses.

Each violation of this ordinance shall constitute a separate offense and, upon conviction, shall be subject to the following:

- A. For a first offense under this ordinance, a fine of not less than Twenty-Five Dollars (\$25) nor more than Two Hundred Fifty Dollars (\$250) or by imprisonment for not more than ten (10) days, or by both such fine and imprisonment.
- B. For a second or subsequent offense under this ordinance, a fine of not less than Fifty Dollars (\$50) nor more than Two Hundred Fifty Dollars (\$250) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment.

Severability.

Should any provisions of this ordinance be judicially determined to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of his ordinance as a whole, and the remaining provisions hereof shall continue in full force and effect. [3/87]

SECTION XVIII - PENALTIES

1. A User who has violated, or continues to violate, any provision of this Ordinance or a permit issued hereunder is subject to the imposition of a fine in an amount not to exceed \$5,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
2. In determining the amount of penalties, the District shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other fact or justice required.
3. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.
4. Unpaid fees, charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional annual penalty of ten percent (10%).
5. Pursuant to Town Law §198-1(k), all unpaid fees, charges, fines or penalties due and owing the District on or prior to September 1st of each year shall be filed as a tax lien against the offending Premises.

SECTION XIX - VALIDITY

1. All Ordinances or parts of Ordinances in conflict herewith, are hereby repealed.
2. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not effect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.
3. The District reserves the right to change or amend this Ordinance in accordance with the provisions provided therefor in the Town Law of the State of New York.

SECTION XX - ORDINANCE IN FORCE

This Ordinance shall be in full force and effect after its passage, approval, recording and publications as provided by the Town Law of the State of New York.

Port Washington
Water Pollution Control District

Resolution
Adopting Sewer Use Ordinance

Upon a motion duly made by Commissioner Vogt, seconded by Commissioner Falconer and unanimously carried by Commissioner Marra, the following Resolution was adopted:

Whereas, the Board of Commissioners of the Port Washington Water Pollution Control District has deemed it necessary to consider a revised Sewer Use Ordinance to meet the requirements of the United States Environmental Protection Agency, the New York State Department of environmental Conservation and the Nassau County Health Department, which agencies have reviewed and approved same, and

Whereas, the proposed revised Sewer Use Ordinance is in accordance with the requirements of the aforementioned agencies, and

Whereas, a meeting was held this date, Wednesday, October 27, 1976 at 5:00 P.M. at the District Office, 70 Harbor Road, Port Washington, New York, pursuant to published notice for the purpose of reviewing and hearing any consent or protest on the adoption of the revised proposed Sewer Use Ordinance, and

Whereas, no person appeared to review or protest the proposed Sewer Use Ordinance, and

Whereas, the proposed Sewer Use Ordinance has been approved by the United States Environmental Protection Agency, the New York State Department of Environmental Conservation and the Nassau County Health Department,

Now, Therefore, Be It

Resolved, that the Sewer Use Ordinance of the Port Washington Water Pollution Control District, copy attached, prepared and reviewed by the Engineer and Attorney for the District, is herewith adopted and is to be made a part of the Official Records of the District following approval and enactment by the Town Board of the Town of North Hempstead.

Board of Commissioners

Port Washington
Water Pollution Control District

Robert W. Vogt, Chairman
Frederick Falconer, Secretary
Richard A. Marra, Treasurer

Dated: October 27, 1976
Port Washington, New York