

EXHIBIT D

VILLAGE OF SHERMAN
CHAUTAQUA COUNTY, NEW YORK

LOCAL LAW NO. 1 -80

A LOCAL LAW TO PROTECT THE PUBLIC HEALTH AND PREVENT NUISANCES BY REGULATING SANITARY SEWER USE AND IMPOSING CHARGES FOR SEWER USE OR ACCESSIBILITY WHERE PUBLIC SANITARY SEWERS ARE OR SHALL BECOME AVAILABLE; REQUIRING THE CONNECTION OF PROPERTIES ACCESSIBLE TO THE PUBLIC SANITARY SEWERS AND ESTABLISHING THE PROCEDURES AND REGULATIONS PERTAINING THERETO; REQUIRING THE DISCHARGE OF SANITARY SEWAGE TO THE PUBLIC SANITARY SEWERS; PROHIBITING THE DISCHARGE OF UNPOLLUTED WATERS, CERTAIN INDUSTRIAL WASTES, AND OTHER POTENTIALLY HAZARDOUS, POISONOUS, AND/OR TOXIC SUBSTANCES TO THE PUBLIC SANITARY SEWERS; ESTABLISHING PROCEDURES FOR REVIEWING, APPROVING, OR REJECTING ANY NOTICE OF INTENT TO DISCHARGE ANY WASTE STREAM OTHER THAN SANITARY SEWAGE, EITHER WITH OR WITHOUT PRETREATMENT; PROVIDING FOR THE SETTING, BILLING, AND COLLECTION OF SERVICE CHARGES FOR SEWER USE OR ACCESSIBILITY; ESTABLISHING PENALTIES FOR VIOLATIONS; REPEALING ALL ORDINANCES AND/OR LOCAL LAWS OR PARTS THEREOF WHICH MAY BE INCONSISTENT HERewith; AND STIPULATING THE DATE UPON WHICH THIS LOCAL LAW SHALL TAKE EFFECT.

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Local Law shall be as follows:

Section 101. VILLAGE shall mean the Village of Sherman, Chautauqua County, New York.

Section 102. BOARD shall mean the Board of Trustees of the Village of Sherman and its duly authorized agents or representatives.

Section 103. PUBLIC SEWER shall mean a sewer that is owned or operated by the Village.

Section 104. SANITARY SEWER shall mean a separate sewer which carries only sanitary sewage and/or industrial wastes and into which storm, surface, and groundwater are not intentionally admitted.

Section 105. STORM SEWER shall mean a sewer which is intended to carry storm water runoff, surface and groundwaters, and drainage, but which is not intended to carry sanitary sewage and/or industrial wastes.

Section 106. UNPOLLUTED WATER shall mean storm water surface or subsurface runoff, groundwater, and/or drainage concentrations of same which at point of origin do not contain sanitary sewage or industrial wastes.

Section 107. SANITARY SEWAGE shall mean the normal water-carried toilet wastes from residences, business buildings, institutions, commercial premises, and industrial establishments exclusive of unpolluted water as defined herein, and which toilet wastes shall not contain more than 200 mg/l of 5-day biochemical oxygen demand nor more than 150 mg/l of suspended solids, and having pH values between 6.5 and 7.5 respectively, including domestic wash waters.

Section 108. INDUSTRIAL WASTES shall mean the liquid waste stream from industrial manufacturing, trade or commercial business processes as distinct from sanitary sewage.

Section 109. GARBAGE shall mean solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Section 110. PROPERLY SHREDDED GARBAGE shall mean the wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half inch in any dimension.

Section 111. OCCUPIED BUILDING shall mean any structure erected and intended for continuous or intermittent habitation, occupancy, or use by human beings or animals and from which structure, as a result of such occupancy, sanitary sewage, and industrial wastes or either thereof is or may be discharged.

Section 112. PREMISES ACCESSIBLE TO THE PUBLIC SANITARY SEWER SYSTEM shall mean any real estate abutting on any street or right-of-way of the Village in which there is now located or in the future may be located a public sanitary sewer.

Section 113. PERSON OR PERSONS shall mean any individual, firm, company, association, society, corporation, or group.

Section 114. CHARACTERISTICS OF WASTEWATER shall mean those characteristics as determined from measurement, testing, and analysis of sanitary sewage or industrial wastes made in accordance with the provisions set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association.

Section 115. pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 116. SUSPENDED SOLIDS shall mean solids that either float on the surface of or are in suspension in water, sewage, industrial wastes, or other liquids and which are removable by laboratory filtering and expressed in milligrams per liter.

Section 117. B.O.D. denoting BIOCHEMICAL OXYGEN DEMAND shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° Centigrade expressed in milligrams per liter.

Section 118. SLUG shall mean any discharge of water, sewage, industrial waste, or combination thereof, which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average strength or flow rate during normal operations.

Section 119. BUILDING SEWER shall mean the private sewer service connection between a point five feet outside the exterior wall of an occupied building and the service connection provided at the public sanitary sewer.

Section 120. SERVICE TAP shall mean a wye or tee in the public sanitary sewer or a public extension of such wye or tee to which the private building sewer is to be connected.

Section 121. SEWAGE TREATMENT PLANT shall mean a publicly owned treatment works (POTW) and appurtenances thereto as defined by the Act (33USC1292).

Section 122. POLLUTION shall mean any man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

Section 123. PRETREATMENT shall mean the physical, chemical, and/or biological reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging or otherwise introducing pollutants into a publicly owned treatment works.

Section 124. SPDES shall mean the State Pollution Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permits authorizing discharges to the waters of the State.

Section 125. SHALL is mandatory; MAY is permissive.

ARTICLE II

USE OF PUBLIC SANITARY SEWERS REQUIRED

Section 201. All persons owning any occupied building now or hereafter erected upon premises accessible to a public sanitary sewer shall make connection with the public sanitary sewer in accordance with the provisions of this Local Law, provided that any part of said occupied building is located within 150 feet of the boundary line of the street or right-of-way wherein there is located a public sanitary sewer.

Section 202. All persons owning any occupied building now or hereafter erected upon premises accessible to a public sanitary sewer and where said occupied building or any part thereof is located a distance of 150 feet or more from the boundary line of the abutting street or right-of-way wherein there is located a public sanitary sewer may make connection with the public sanitary sewer in accordance with the provisions of this Local Law.

Section 203. It shall be unlawful for any person owning an occupied building on premises accessible to a public sanitary sewer where said occupied building or any part thereof is located within 150 feet of the boundary line of the street or right-of-way wherein there is located a public sanitary sewer, to erect, construct, use or maintain, or cause to be erected, constructed, used or maintained, any on-site privy, cesspool, sink hole, septic tank, leach pit, leach bed, chemical toilet or other similar facilities on such premises for receiving and disposing of sanitary sewage.

ARTICLE III

PRIVATE SEWAGE DISPOSAL

Section 301. Where a public sanitary sewer is not available, sanitary sewage from occupied buildings will be disposed of through on-site, private disposal systems.

Section 302. Private, on-site disposal systems in instances where public sanitary sewers are not available shall be constructed, operated, and maintained in strict accordance with local, County of Chautauqua, and/or State of New York regulations pertaining thereto as now existing or hereafter enacted. All such systems shall be subject to inspection by the Village and/or County Health Department.

ARTICLE IV.

BUILDING SEWERS AND CONNECTIONS

Section 401. When required by Article II, Section 201, of this Local Law, all persons shall construct a building sewer and make connection with the service tap provided in the public sanitary sewer within 60 days from the date on which notice to make connection is served by the Village or its duly authorized agent or by public notice as provided in the Village Law Section 14-1438 or by personal service or service by certified mail on persons owning or occupying property accessible to a public sanitary sewer.

Section 402. No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village. All persons, contractors, firms, corporations or agencies proposing to engage in building sewer construction work shall document to the satisfaction of the Village that they are reputable agencies actively and presently engaged and/or experienced in sanitary sewer system construction work. No person, contractor, firm, corporation or agency shall undertake building sewer construction work on behalf of a public or private agency within the Village until he has applied for and received written approval of the Village Board and has satisfied the Village that he carries and maintains adequate general liability and/or property damage insurance to indemnify all parties against damages resulting from his construction activities and operations. Minimum insurance coverage levels for purposes of this section will be those set and established by official action of the Village Board with the advice of the Village Attorney. Nothing in this section shall be construed to prevent or prohibit a property owner from installing and constructing his own individual private building sewer provided that he complies with all provisions of this Local Law with the exception of insurance coverage as stipulated by this section.

Section 403. When a person responsible for making a connection to a public sanitary sewer shall be required to connect (Section 201), or desires to connect (Section 202), to a public sanitary sewer as provided by this Local Law, such person shall file with the Village, or its designated officer or representative, an application for a permit to connect to the public sanitary sewer, with such application to include full payment of tap-in and/or related charges, if any, as may be fixed from time to time by official resolution of the Village Board. Upon approval of such application, a building sewer connection permit will be issued by the Village.

Section 404. When a person responsible for making a connection to a public sanitary sewer shall be notified and required to connect or shall desire to connect to a public sanitary sewer and no service tap shall exist to serve the accessible premises, the

Village shall, within 60 days of the date of application for connection, install the necessary service tap. Under this section, a person shall be required to construct a building sewer and make connection to the public sanitary sewer within 60 days of receipt of notice by the Village, either by personal service or certified mail, that the service tap is available. In the event such person fails to make such connection, the Village may arrange to make such connection at the cost of such person as set forth in Section 414 of this Local Law.

Section 405. All costs and expenses incident to the installation, construction, and connection of the building sewer shall be borne by the owner of the premises served. The property owner or his contractor shall indemnify and save harmless the Village from any loss, liability or damage that the Village may incur or sustain by reason of the installation and construction of the building sewer.

Section 406. The Village in its discretion may impose tap-in and/or related charges in such amount(s) as shall be fixed from time to time by official resolution of the Village Board.

Section 407. A separate, independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway and in such instance the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. In no instance shall a premise owned by one person be served by a private extension of building sewer lateral serving the occupied building or premises of a second person or party. Each separate building shall have its own sewer even if all buildings on the premises are owned by the same party.

Section 408. Building sewer service lines between sewer tap and a point five (5) feet outside line of building to be served shall be newly constructed to the requirements of this section. Building sewer construction shall be subject to inspection by Village personnel, agents, or authorized representatives. No building sewer shall be approved unless a final inspection has been requested by the property owner. All building sewer construction methods shall be subject to the general provisions of The Water Pollution Control Federation's "Manual of Practice", No. 9, and shall, in addition, comply with the specific methods and materials requirements of this section, as follows:

(a) Size: 4" or 6" inside diameter at property owner's option with one (1) size featured throughout.

(b) Slope: No less than 18" fall per 100 lineal feet on 4" size nor less than 12" fall per 100 lineal feet for 6" size. Flatter slopes allowable only where dictated by physical limitations in the field. Steeper gradients are encouraged wherever possible with the total available vertical difference between elevation of sewer tap and elevation of structure outlet pipe at point five (5) feet outside building line to be equally prorated over full length of building sewer run unless otherwise and specifically authorized in writing by the Village's designated Building Sewer Inspector.

- (c) Cleanout/Trap/Vent: Building sewer shall terminate at a cleanout located approximately five (5) feet outside the building line at premises served. Cleanout shall be 4" inside diameter size, will leave building sewer via a 6" x 4" or a 4" x 4" wye branch laid up as required, and shall terminate at or 6" above ground line at a 4" plug or cap set up watertight. On service side of required cleanout, property owners are encouraged to install a trap of the running shoulder handhole type with 4" vent riser on service side of trap extending vertically to at least 15" above ground line and terminating at a standard set-screw anchoring type vent cap. Trap shall be constructed of service weight black (cast) iron or ductile materials. Cleanout and vent may be constructed using PVC, black iron soil pipe, or ductile iron materials as specified herein.
- (d) Transition: Transition between dissimilar pipeline materials and/or sizes shall be accomplished by approved type transition fittings. Transition fittings in same material/different size situations shall be pipe manufacturer's stock reducers. Transition in instances of dissimilar materials shall in all instances involve "donut" type inserts of dispersion grade PVC construction or elastomeric flexible sleeve couplings with stainless steel clamp bands subject to prior approval of the Village with the advice of its Consulting Engineers. Pipeline size or materials transition except by approved type manufacturer's stock transition fittings, inserts (donuts), or sleeve couplings shall not be allowed.
- (e) Horizontal Alignment: All building sewers shall be constructed in straight horizontal alignments. Bends in horizontal alignment where required by surface obstructions or improvements and authorized in advance by the Village's designated Building Sewer Inspector shall be made by installation of fittings furnished and available from the manufacturer of the building sewer pipe. Unauthorized or unnecessary horizontal bends or deviation in true horizontal alignment of 6" or more may be viewed as sufficient grounds for rejection of any building sewer.
- (f) Vertical Transition: Where required and authorized vertical transition exceeds manufacturer's recommendation for pipe joint offset, vertical transition shall be accomplished through the installation of standard bend fittings of the same manufacture and materials as the building sewer pipe.
- (g) Pipe Materials: Polyvinylchloride (PVC) or ductile iron with one (1) material featured between limits indicated on any individual building sewer at the option of the owner of premises served.
- Ductile iron pipe shall meet or exceed the requirements of ANSI A21.50-76 (AWWAC150-76) and ANSI A21.51-76 (AWWAC151-76) in Class 52 with cement mortar lining meeting ANSI Specification A21.4 (AWWAC104). Pipe shall feature approved type push-on type joints throughout. Ductile iron pipe and fittings shall be as manufactured by CLOW CORPORATION, ATLANTIC STATES CAST IRON PIPE CO., or approved equal. Except where trench bottom is in rock, shale, or hardpan and when directed by the Village Building Sewer Inspector, bedding of ductile iron pipe is not required. If required, depth of bedding shall be 6". In native soils, hand excavate to receive bells. "Bridging" of ductile iron pipe shall not be allowed.

PVC pipe shall be Type PSM meeting or exceeding ASTM Designation D3034-77 for SDR35 or heavier materials in 10' or 20' lengths. Pipe sections shall be joined by twin-gasketed couplings of the "push-on" type featuring elastomeric ring gaskets meeting the requirements of ASTM Designation D3212-76. Joining of PVC pipe sections by solvent welding methods shall not be accepted or allowed. PVC pipe, couplings, and fittings shall be "Fluid-Tite" by CER-TAINTED PRODUCTS CORPORATION, "Ring-Tite" by JOHNS-MANVILLE, or approved equal. PVC piping shall be installed in total conformance with the provisions of ASTM Designation D2321-74 using specified Class I embedment materials for initial backfill as bedding, haunching, and pipe cover respectively. Embedment materials shall be installed and extend from 6" below to 6" above pipe barrel and for full width of trench.

(h) Trench widths: In every instance, trench widths shall be maintained at a minimum. Trench widths which exceed 18" may not be allowed.

(i) Embedment Materials: Where bedding of ductile iron pipe is required and ordered, and in all instances where PVC materials are used in constructing the building sewer, approved type embedment materials shall be furnished and installed. Embedment materials shall be crushed stone meeting New York State Department of Transportation Specification 703-0201 for Size Designation 1 (maximum top size = 1"). Materials and source of embedment are subject to prior approval by the Village.

(j) Trench Backfill: Trench backfill may be machine placed full-depth with PVC pipe materials after placement of 6" lift of Class I embedment cover. Reasonable care should be taken, however, to dump initial native backfill lifts carefully against trench walls to reduce the potential for pipe displacement or damage.

Where native soil backfill is used with ductile iron pipe building sewer materials, hand placement of backfill to a point 6" above pipe crown shall be mandatory. Backfill materials to 6" above top of ductile iron pipe shall be fine materials completely free of stones larger than 1" diameter or stones with sharp edges. Hand placed native fine soil backfills shall involve two (2) 6-inch deep lifts each hand or mechanically tamped into place. After installation of hand placed fine material, balance of trench fill may be machine placed using care not to drop initial lifts directly on the pipe centerline.

(k) Tests: All building sewers shall be set up virtually water-tight. To be acceptable, any building sewer shall not have or display leakage rates exceeding a rate of 100 gallons per inch of pipe diameter per mile per day. At the option of the Village, building sewers may be subject to testing by infiltration, ex-filtration, or approved pressure air methods between bulkheads located one adjacent to the service tap and the other near the point of connection to building plumbing. When ordered by the Village's designated Building Sewer Inspector, testing will be conducted during final field inspection and before any trench backfill, excepting bedding and haunching, is placed. The costs of any and all leakage testing will be borne by the property owner or his building sewer contractor.

Section 409. Where grade of the public sanitary sewer service tap permits, the building sewer shall be brought to the occupied building at an elevation to serve all gravity plumbing within the structure. Where the elevation of the public sanitary sewer service tap does not provide sufficient fall to serve all gravity plumbing including all basement sanitary facilities and home laundry units, the owner or owners of the premises served shall install approved type sump pumps to lift all wastes from the occupied building served and discharge same to the building sewer. All costs associated with on-site pumping are the sole responsibility of the property owner.

Section 410. All persons having been issued a sewer connection permit are required to notify the Village or its authorized Building Sewer Inspector or representative at least 24 hours prior to start of construction and similar notice at least 24 hours prior to final connection to the public sanitary sewer or building served. In no instance shall any backfill be placed over or around joints until final inspection of the building sewer to the service tap shall be made under the direct supervision of the Village or its authorized Building Sewer Inspector or representative.

Section 411. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Any and all facilities within the public right-of-way including streets, sidewalks, parkways, service taps, sewers and/or other public property damaged or disturbed during the course of work in constructing the building sewer shall be restored in a manner satisfactory to the Village by and at the expense of the property owner or his contractor.

Section 412. No person shall make connection of roof downspouts, exterior foundation drains, interior foundation drains, area-way drains, or other sources of unpolluted surface runoff or groundwater to a building sewer or extension thereof which in turn is connected directly or indirectly for discharge to a public sanitary sewer.

Section 413. Concurrent with the making of connections to the public sanitary sewer, the owner or owners of premises served shall immediately abandon all privies, cesspools, sink holes, septic tanks, and other receptacles existing on the premises for receiving sewage. Abandonment of such facilities shall be conducted in such a manner as to assure that such facilities do not become nuisances or hazards to the public interest. Any and all such existing underground vaults or septic tanks shall be uncovered, pumped out by a licensed septic tank hauler, and physically dismantled, collapsed, or filled with granular materials or concrete by the property owner prior to final Village acceptance and approval of the building sewer. The cost of all such work shall be borne completely by the property owner or his contractor.

Section 414. Should any person or persons neglect or refuse to make application and connect or fail to properly connect to the public sanitary sewers in accordance with the provisions of this Local Law, the Village or its authorized representative, contractor, or agent may enter upon such property and construct or reconstruct such required building sewer. Upon construction or reconstruction of the required building sewer by the Village, their authorized representatives or agents, the Village shall deliver an itemized bill of costs of construction or reconstruction

of such building sewer to the owner or owners of properties which are required to connect with the public sewer, which bill shall be payable forthwith. In such instances of noncompliance, the Village bill will include as one of the costs of construction or reconstruction the applicable and current effective tap-in or related charges hereinbefore mentioned and to the extent that same are outstanding. Such costs shall be a lien and liens on said premises and lots of land respectively, and the same shall be collected in the same manner as other local assessments or assessments for local improvements as provided by the Village Law or by suing to collect same.

ARTICLE V

USE OF THE PUBLIC SEWERS

Section 501. Persons owning property accessible to the public sanitary sewers shall connect as prescribed by this Local Law and discharge all sanitary sewage originating on the premises to the public sanitary sewer system. However, no person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 502. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters or wastes 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the public sewer system or treatment works.
- (d) Any waters or wastes at a flow rate and/or pollutant level which is excessive over relatively short periods or classified as a slug load, which are sufficient in the opinion of the Village with the advice of their Consulting Engineers to cause hydraulic overload and/or loss of treatment efficiency in the public sewer system and/or treatment works.
- (e) Solid or viscous substances capable of impairing the hydraulic capacity of the sewer system, or causing interference with the proper operation of the sewage treatment plant (POTW) such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, plastics, inert materials or garden refuse either whole or ground by garbage grinders.

(f) Wastes generated in the preparation of food not normally consumed on the premises.

(g) Any waters or wastes specifically or categorically prohibited by the terms and conditions of SPDES Permit #NY0036315, the Federal Water Pollution Control Act Amendments of 1972, hereinafter referred to as "the Act", and all subsequent revisions and/or modifications thereto and with the same force and effect as if said SPDES Permit and the Act were attached and made a part hereof in their entirety.

Section 503. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes unless written notice of purveyor's intent to discharge has been received by the Village and the Village with the advice of its Engineers has determined that such wastes should not harm either the sewers, sewage treatment process, or equipment, should not have an adverse effect on the receiving stream, or should not otherwise endanger life, limb, public property, or constitute a nuisance, and the Village has thereupon conditionally authorized such discharge in writing. In forming their opinion as to the acceptability of these wastes, the Village and its Consulting Engineers will give consideration to such factors as the qualities and quantities of the proposed wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature and design of the sewage treatment processes, capacity of the sewage treatment plant, degree of treatability of wastes at the sewage treatment plant, and other pertinent factors, including review procedures and limitations imposed by SPDES Permit and the Act as previously referenced.

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (65° C.) or in such quantities that the temperature at the sewage treatment plant influent exceeds 104° F. (40° C.).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (0 and 65° C.).

(c) Any garbage that has not been properly shredded.

(d) Any wastes or wastes containing strong acid iron pickling wastes, or concentrated plating solutions.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar heavy metals, toxic or hazardous substances defined as harmful in Section 311(b)(4) of the Act, or wastes exerting an excessive chlorine requirement or similar demand.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Village with the advice of its Engineers as necessary, after treatment of the composite sewage, to meet the effluent quality requirements of SPDES Permit #NY0036315 and all subsequent amendments thereto.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village and its Engineers in compliance with applicable State or Federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
3. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing any substances which are not amenable to treatment or biological reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction for establishment and enforcement of effluent quality limitations for treatment works discharges to the receiving waters.

(k) Any substances which may cause the sewage treatment plant (POTW) effluent or any other product of the sewage treatment plant (POTW), such as residues, sludge, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under the Act, and criteria, guidelines, or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

Section 504. Where any waters or wastes containing the substances enumerated in Section 503 or determined to create or have the potential to create the adverse effects on the public sewer system as described in Section 503 are discharged to the public sewer system without written authorization by the Village, such discharge shall be considered a violation of this Local Law and processed for remedy pursuant to the provisions hereof including all legal remedies to collect costs for damages to the public sewer system and/or treatment works, if any. Any person or establishment proposing to discharge waters or wastes to the public sewer system containing materials as enumerated in Section 503 or materials which may have the potential to create the adverse effects on the public sewer system or waste treatment works as described in Section 503 shall serve prior written notice of intent to discharge on the Village. Such notice shall include complete quanti-

tative and qualitative analysis of the proposed waste stream based on analysis by an independent and properly certified laboratory satisfactory to the Village. Upon receipt of same, the Village and its Consulting Engineers will evaluate the proposal for discharge, and in a reasonable time notify the purveyor of the proposed waste stream in writing of the decision to:

- (a) Reject the waste discharge
- (b) Allow the waste discharge
- (c) Require pretreatment to an acceptable condition prior to discharge to the public sewers and/or.
- (d) Require control over rates of flow prior to discharge

If the waste discharge is allowed to the public sanitary sewer system, such authorization for discharge will be governed by a conditional discharge agreement drawn by the Village with the advice of its Attorney and Consulting Engineers and executed by the Village and the purveyor of the waste. In all such instances, the burden, responsibility, and costs for acquisition of regulatory agency approvals, pretreatment and/or flow regulating facilities; independent laboratory sampling and analyses, flow monitoring and recording facilities, composite sampling and testing devices and systems, and/or related conditions or facilities required by the Village as prerequisites to conditional approval of the discharge, shall be assumed solely by the purveyor of the waste stream so authorized. In addition, but not limited thereto, the conditional discharge agreement will set and establish sewer service charges which will, in consideration of waste volumes and strengths, properly compensate for the special sewer service rendered in comparison to sewer service charges paid by domestic users and subject to Federal agency regulations for user charge systems and industry cost recovery regulations. In all instances of pretreatment, such facilities shall be owned, operated, and maintained by the waste purveyor subject and pursuant to the provisions of duly issued State and/or Federal agency operating permits.

Section 505. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village, 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 such interceptors shall not be required for private residential dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located so as to be readily and easily accessible for cleaning and inspection. Such facilities shall be operated and maintained in good working order by the owner of the premises served.

Section 506. Where pretreatment, flow equalization, composite sampling, or flow metering facilities are required for any waters or wastes to be discharged, they shall be acquired, operated, and maintained continuously in satisfactory and effective working order by and at the sole expense of the owner of premises served.

Section 507. The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole or structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, composite sampling, and measurement of the wastes. Such

control structure and metering facilities shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Village Engineer. The control structure and metering facilities shall be installed by the owner at his expense, and shall be maintained by him so as to be safe, accessible, and in good operating condition at all times.

Section 508. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Local Law shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and 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 required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will permit the Village to determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composite samples whereas pH is usually determined from periodic grab samples.

Section 509. No statement contained in this Article shall be construed to prevent any special agreement or arrangement between the Village and any industrial establishment whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to the review, prior Village approval, and other procedures and limitations set forth herein under Section 504, and other applicable provisions of this Local Law.

ARTICLE VI

SERVICE CHARGES FOR SEWER USE OR ACCESSIBILITY

Section 601. There is hereby imposed on the owners of any occupied building(s) connected to a public sanitary sewer and owners of premises accessible to a public sanitary sewer as provided by this Local Law, a quarterly sewer service charge. Such sewer usage or accessibility service charges will be set from time to time by resolution of the Village Board. Sewer services charges shall be set at a level sufficient to pay the normal operating, maintenance, and debt service costs associated with the public sewer system as the Village shall determine. User service charges shall be developed pursuant to applicable regulations of the U. S. Environmental Protection Agency for user charge systems and industrial cost recovery on federally funded wastewater projects. Copies of current user charge system are on file with the Village Clerk and are available for public review upon request.

Section 602. The Village may further adopt by resolution such other regulations as will assure equitable billing for sewer use, establish an official person or agency as SEWER SERVICE CHARGE COLLECTOR, fix billing due dates, prescribe prompt payment discounts, set penalties and remedies for non-payment of sewer service charges, including procedures for collecting delinquent

accounts, enforce any lien as provided in Village Law Section 14-1438 as same may be amended, and other regulations deemed essential to the setting, billing, and collection of sewer service charges. Any rule or regulation may be enforced by injunction.

Section 603. Sewer services charges shall accrue against all accessible premises on the date of initial use of the public sewer system as set by date of final Village inspection and approval of building sewer or 60 days after date of Village notice to any property owner to connect to the public sewer system, whichever occurs first.

ARTICLE VII

PROTECTION FROM DAMAGE

Section 701. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the public sewer system.

ARTICLE VIII

POWERS AND AUTHORITY OF PERSONNEL

Section 801. The Village's designated agents, employees, building sewer inspector(s), and engineers bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Local Law. The Village or its representatives 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, source, quantity, and qualities of waste discharges to the public sewers or waterways or facilities for waste treatment.

Section 802. The Village and its duly authorized agents, employees, inspectors, or engineers bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, or repair and maintenance of any portion of the public sewer system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

ARTICLE IX

PENALTIES

Section 901. Any person violating any of the provisions of this Local Law shall, upon conviction before a local justice having jurisdiction, be subject to a fine or penalty of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense, to be collected as fines or penalties as recoverable by law; and whenever such person shall have been

notified in writing by the Village, or by the service of a summons in a prosecution, that he is violating a provision of this Local Law, each day that such person will continue such violation after such notice shall constitute a separate offense punishable by a like fine or penalty.

ARTICLE X

VALIDITY

Section 1001. All ordinances or parts of existing ordinances or local laws in conflict herewith are hereby repealed.

Section 1002. The invalidity of any section, clause, sentence, or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

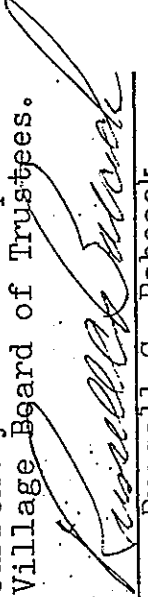
ARTICLE XI

EFFECTIVE DATE

Section 1101. This Local Law shall take effect when it is filed in the Office of the Secretary of State.

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, duly appointed and acting Clerk-Treasurer of the Village of Sherman, New York, do hereby certify that the foregoing is a true and correct copy of that Local Law duly adopted and currently in effect pursuant to official action of the Village Board of Trustees.


Russell C. Babcock

Village Clerk-Treasurer

SEAL

Date: July 28, 1980