

Chapter 342, SEWER USE

[HISTORY: Adopted by the City Council of the City of Binghamton 4-1-1985 by L.L. No. 6-1985, effective 5-1-1985 (Sub-Part XXVI of the 1970 Code). Amendments noted where applicable.]

GENERAL REFERENCES

- Building construction -- See Ch. 200.
- Health and sanitation -- See Ch. 259.
- Housing and property maintenance -- See Ch. 265.
- Plumbing -- See Ch. 310.
- Sewers -- See Ch. 339.
- Streets and sidewalks -- See Ch. 355.
- Subdivision of land -- See Ch. 360.
- Water -- See Ch. 405.
- Zoning -- See Ch. 410.

ARTICLE I, Short Title; Definitions

§ 342-1. Short title.

This chapter shall be known as the "City of Binghamton Sewer Use Law."

§ 342-2. Definitions.

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

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

BOD5 (denoting BIOCHEMICAL OXYGEN DEMAND) -- The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

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

BUILDING SEWER -- The extension from the building drain to the public sewer or other place of disposal.

CITY -- The City of Binghamton, New York.

CITY ENGINEER -- The City Engineer of the City of Binghamton, New York, and his or her duly authorized agents and representatives.

CITY PUBLIC SEWER SYSTEM -- All City-owned pipelines or conduits, pumping stations and force mains, and all other constructions, devices and appliances appurtenant thereto, used for conveying wastewater to a point of ultimate disposal.

COMBINED SEWER -- A sewer intended to receive storm- and surface water as well as wastewater.

COOLING WATER -- The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources. It shall contain no polluting substances which would produce BOD5 or suspended solids each in excess of 10 milligrams per liter.

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

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

EPA -- The United States Environmental Protection Agency.

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

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

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

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

INDUSTRIAL USER -- Any nonresidential user of the City public sewer system, which user is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- A. Division A: Agriculture, Forestry and Fishing.
- B. Division B: Mining.
- C. Division D: Manufacturing.
- D. Division E: Transportation, Communications, Electrical, Gas and Sanitary Services.
- E. Division I: Services.

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

INDUSTRIAL WASTEWATER DISCHARGE PERMIT -- A permit issued by the Board, authorizing the permittee to deposit or discharge industrial wastewater into the City public sewer system.

INFILTRATION— Water, other than sewage, that enters a sewage collection system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW (I/I)—The total quantity of water from both Infiltration and Inflow, without distinguishing the source.

INFLOW—Water, other than sewage, that enters a sewage collection system (including sewer service connections) from sources such as roof leaders, cellar drains, sump pumps, missing or defective cleanout caps, swimming pools, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between stormwater sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

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

INTERFERENCE -- The inhibition or disruption of the treatment plant processes or operations or its sludge processes, use or disposal. The term includes any action which contributes to a violation of any requirement of the Joint Sewage Board's SPDES permit or which results in the prevention of sewage sludge reuse, reclamation or disposal by the treatment plant in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Resource Conservation and Recovery Act, or any more stringent state criteria applicable to the method of disposal or use employed by the treatment plant.

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

NORMAL SEWAGE -- Sewage, industrial wastes or other wastes having pollutant concentrations which do not exceed 240 mg/l of BOD₅, 300 mg/l of TSS or 50 mg/l of oil and grease and which are otherwise acceptable for discharge into the treatment plant under the terms of this chapter. The numbers and values of characteristics are subject to revision by the Joint Sewage Board when, in the opinion of the Board, a revision is necessary in order to (a) maintain the physical integrity of the treatment plant; or (b) maintain the treatment plant's capability of providing treatment in compliance with federal, state and local standards.

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

POLLUTANTS -- May be defined now or hereafter by appropriate local, state or federal authorities or by the Board, substances which may be present in wastewater, whether gaseous, liquid or solid, the amount of

which may contain soluble or insoluble solids of organic or inorganic nature which may deplete the dissolved oxygen content of natural waters, contribute solids, contain oil, grease, or floating solids which may cause unsightly appearance on the surface of such waters, or contain materials detrimental to aquatic life.

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

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

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

RULES AND REGULATIONS OF THE BOARD -- The Rules and Regulations Relating to the Use of the Binghamton-Johnson City Joint Sewage Treatment Plant, promulgated by the Binghamton-Johnson City Joint Sewage Board.

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

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

SEWAGE—The water-carried domestic human or animal waste, together with industrial and commercial waste, from residences, buildings, industrial, and commercial establishments or other places. Neither infiltration nor inflow are components of “sewage”.

SEWER -- A pipe or conduit for carrying wastewater; the term includes sanitary sewers and combined sewers.

SHALL -- Is mandatory; "may" is permissive.

SHREDDED GARBAGE -- Garbage shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle having any dimension greater than 1/2 inch.

SPDES PERMIT -- A wastewater discharge permit issued by the DEC under the state pollutant discharge elimination system.

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

SUSPENDED SOLIDS -- The total suspended matter in water or wastewater, as determined by Standard Methods.

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

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

USER -- Any person who contributes, causes or permits the contribution of wastewater into the City public sewer system.

WASTEWATER—The composite of all flow constituents conveyed in a sewer including sewage and infiltration and inflow.

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

ARTICLE II, General Provisions

§ 342-3. Purpose.

The purposes of this chapter are as follows:

- A. To control discharges into the public sewers of the City of Binghamton public sewer system or tributaries thereto, including the Binghamton-Johnson City Joint Sewage Treatment Plant.
- B. To prohibit the discharge of:
 - (1) Excessive volumes and/or inordinate rates of flow into the City of Binghamton public sewer system;
 - (2) Sewage, industrial wastes or other wastes which may in any way:
 - (a) Create a poisonous, hazardous, explosive, flammable or toxic condition in the City public sewer system, or otherwise impair the strength and/or durability of the system or the structures appurtenant to the system (including the Binghamton-Johnson City Joint Sewage Treatment Plant); or
 - (b) Interfere with the normal treatment processes, including proper disposal of sludge; or
 - (c) Pass through the Joint Sewage Treatment Plant into the receiving waters inadequately treated; or
 - (d) Contain substances in such concentrations as may exceed established discharge limits.
- C. To prohibit and/or regulate the discharge of sewage, industrial wastes or other wastes which require greater expenditures for treatment than those required for equal volumes of normal sewage; to surcharge users for permitted contributions requiring treatment costs greater than "normal sewage" charges.
- D. To provide the authority for the Binghamton-Johnson City Joint Sewage Board to exercise regulatory control over users discharging industrial wastes into the City public sewer system.
- E. To provide cooperation with the Broome County Department of Health, New York State Department of Environmental Conservation, New York State Department of Health, United States Environmental Protection Agency and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and biological quality of watercourses within or bounding the City.
- F. To protect the public health and to prevent nuisances.
- G. To enforce promulgated final standards and/or procedures set by the New York State Department of Environmental Conservation or the United States Environmental Protection Agency.

§ 342-4. Health Department requirements.

Nothing contained in this chapter shall be construed to interfere with or modify any requirements of design, inspection and approval which are imposed by the New York State Department of Health or the Broome County Health Department.

§ 342-5. Compliance with Plumbing Code.

Nothing contained in this chapter shall be deemed to relieve any person of the duty and responsibility of complying with the City Plumbing Code.

§ 342-6. Administration.

Except as otherwise provided herein, the City Engineer shall administer, implement and enforce the provisions of this chapter.

§ 342-7. Fees and charges.

Except as otherwise provided herein, all fees and charges payable under the provisions of this chapter shall be paid to the City in accordance with Chapter 339, Sewers, Article II, Sewer Rents. Such fees and charges are due and payable upon the receipt of a notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges and collection as provided for in Chapter 339, Sewers, Article II, Sewer Rents.

§ 342-8. Inspections.

- A. The City Engineer, the Joint Sewage Board, and other authorized representatives of the City and representatives of the EPA and DEC bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain a user's compliance with applicable provisions of federal, state and local law governing use of the City public sewer system and with the provisions of the rules and regulations of the Board. Such representatives shall have the right to set up on the user's property such devices as are necessary to conduct sampling or flow measurement. Such representatives shall additionally have access to, and may copy, any records the user is required to maintain under applicable law or the rules and regulations of the Board. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification inspecting personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities. Inspections will be accomplished during hours of operations or at periods of sewer use with or without notice to the user.
- B. The City Engineer, bearing proper credentials and identification, shall be permitted to enter all private premises through which the City holds an easement for the purpose of inspection, observation, measurement, sampling, repair and maintenance of any portion of the City's public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.
- C. During the performance on private premises of inspections, sampling, or other similar operations referred to in Subsections A and B above, the City Engineer shall observe all safety rules applicable to the premises as established by the owner or occupant of the premises.

§ 342-9. Vandalism; tampering with measuring devices.

No unauthorized 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 City public sewer system. No person shall tamper with or knowingly render inaccurate any measuring device or mechanism installed pursuant to any requirement under this chapter. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$500, or imprisonment not exceeding 150 days, or to both such fine and imprisonment.

§ 342-10. False statements.

No person shall knowingly make any false statement in any application, report or other document required to be filed pursuant to any provision of this chapter.

ARTICLE III, Use of Public Sewers

§ 342-11. Disposal of waste.

It shall be unlawful for any person to place or deposit, or permit to be placed or deposited, in any unsanitary manner upon public or private property within the City, or in any other area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

§ 342-12. Discharge into natural watercourses.

It shall be unlawful to discharge any sewage or other polluted waters into any natural watercourse within the City or within any area under jurisdiction of the City except where such discharge is in accordance with requirements of regulatory agencies having jurisdiction over wastewater discharges into the watercourse.

§ 342-13. Connection to sewer system.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated within the City and abutting on any street or public right-of-way in which there is now located or may in the future be located a public sanitary sewer within 100 feet (30.5 meters) of the property line is hereby required to install, at his or her expense, suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer line, in accordance with the provisions of this chapter and with any applicable requirements of the City Plumbing Code.

§ 342-14. Separate connections required.

A separate and independent building sewer shall be provided for every building, with the exception that when one building stands at the rear of another on an interior lot and no private sewer is available nor can be constructed to the rear building, the building sewer from the front building may be extended to the rear building. The whole shall be considered as one building sewer. Old building sewers may be used in connection with new buildings only when they are found by the City Engineer to meet all other requirements of this chapter.

ARTICLE IV, Building Sewers and Connections

§ 342-15. Building sewer permits.

No person shall uncover, make any connection with or opening into, or use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit in accordance with all applicable requirements established by the City, including the City Plumbing Code.

§ 342-16. New connections.

No new connections shall be made to the sewer system of the City without a written permit issued by the City Engineer. Applications shall be made on a form supplied by the City Clerk. No connection from a residential structure shall be granted without the approval of the City Engineer. No connection from any building or structure discharging other than sanitary waste shall be granted without the approval of the City Engineer and the Binghamton-Johnson City Joint Sewage Board. All connections to a sewer shall be made under the direction of, and be subject to the approval of, the City Engineer and shall conform in all respects with applicable requirements of the City Plumbing Code.

§ 342-17. Cost of connections.

All cost and expense incident to the installation and connection of any building to the sewer system shall be borne by the property owner. The property owner shall indemnify the City from any loss or damage that may directly be occasioned by the installation of a connection to the sewer system.

§ 342-18. Excavations.

All excavations for building sewer installations shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City Engineer. All necessary permits for the opening of City and county streets shall be obtained from the Commissioner of Public Works prior to the issuance of any building sewer permit.

§ 342-19. Service and repair of building sewers.

Building sewers shall be serviced and repaired by the owner of the premises being served to a point within one foot of the pavement edge. Service and repair of building sewers within the paved areas of public rights-of-way shall be made by the City.

ARTICLE V, Private Disposal Systems

§ 342-20. When private systems permitted.

Where a public sanitary sewer is not available under the provisions of Article III, § 342-13, a building sewer shall be connected to a private sewage disposal system in accordance with the subsequent provisions of this Article V, and in accordance with applicable requirements of the New York State Department of Health and the Broome County Health Department.

§ 342-21. Type of connection.

Before the commencement of the construction of a private sewage disposal system, the owner shall obtain from the City Engineer a written permit allowing such construction, which permit shall be given upon application in such form and content as may be required by the City Engineer and the Department of Health. The type, location and layout of the private sewage disposal system shall comply with the specifications established by the City Engineer and the Department of Health. The City Engineer shall be allowed to inspect the work at any stage of the construction, and the applicant for the permit shall notify the City Engineer when the work is ready for final inspection and before any underground portions thereof are covered.

§ 342-22. Conversion to sanitary sewers.

The private sewage disposal facilities shall be operated and maintained in a sanitary manner at all times. When a public sanitary sewer becomes available under the provisions of Article III, § 342-13, the building sewer shall be connected to the sanitary sewer within 60 days, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material satisfactory to the City Engineer.

ARTICLE VI, Restrictions and Limitations on Use of Public Sewers

§ 342-23. Stormwater and other unpolluted water prohibited.

- A. No person shall discharge or cause to be discharged any stormwater, swimming pool water, surface water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary or combined sewer, unless specifically authorized by the City Engineer. All stormwater, surface water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water all be discharged to storm sewers, or to any natural watercourse approved by the City Engineer. All existing connections to a sanitary or combined sewer of any stormwater, swimming pool water, surface water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters shall be removed from the sewer within 60 days from the service of a written notice by the City Engineer to disconnect from the sewer.
- B. If the owner of any property receiving a notice to disconnect from the sanitary or combined sewer, pursuant to Subsection A hereof, does not disconnect within 60 days from the receipt of such notice, the City shall have the right and power and shall cause the same to be removed at the expense of the property owner and shall charge the total expense of such disconnection to the property so affected. The total expense incurred by the City to perform such work shall be paid by a special assessment upon the real estate so affected, which expense shall be a lien thereon, and which lien shall be superior and have priority to any mortgage, judgment or other lien of any nature affecting said premises. The City shall also have the power to collect, by a civil action brought in the name of the City, any expense it may incur for making such removal; but any civil action so brought shall not

impair or affect the lien created under this chapter for such expense or be held to constitute a bar to any proceedings for the sale of lands under which said lien exists.

§ 342-24. Prohibited discharges.

- A. No person shall discharge, directly or indirectly, in the City public sewer system, or into any private sewer emptying into the City public sewer system, any substances, materials, waters or wastes in such quantities or concentrations which cause or are capable of causing, either alone or by interaction with other substances, interference with the operation or performance of the City public sewer system or the Joint Sewage Treatment Plant; or which pass through the Joint Sewage Treatment Plant inadequately treated. These general prohibitions and the specific prohibitions of Subsection B of this section apply to all users of the City public sewer system whether or not the user is subject to any other local, state or federal requirements governing use of the City public sewer system.
- B. No person shall discharge the following into the City public sewer system:
- (1) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to create a fire or explosion hazard in, or be injurious in any other way to, the City public sewer system or the Joint Sewage Treatment Plant. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, benzene and any other substances which the City Engineer, the Joint Sewage Board, the DEC or EPA has notified the user constitute a fire or explosion hazard to the system.
 - (2) Solid or viscous substances which may cause obstruction to flow in a sewer or other interference with the operation of the treatment plant such as, but not limited to: grease, shredded garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste papers, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, snow, ice, any other solid objects, materials, refuse and debris not normally contained in sanitary waste.
 - (3) Any wastewater having a pH less than 6.0 or higher than 10.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the City's treatment works.
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment plant, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) of the Federal Act.
 - (5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
 - (6) Any substance which will cause the City to violate any state pollutant discharge elimination system (SPDES) permit issued to the City or to violate the receiving water quality standards.
 - (7) Any wastewater with objectionable color not removed in the treatment process.
 - (8) Any wastewater having a temperature at the point of introduction into the City public sewer system in excess of 150° F. (65.5° C), or in such quantities that cause the temperature of the wastewater at the Joint Sewage Treatment Plant to exceed 104° F. (40° C).

- (9) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference with the treatment plant.
- (10) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (11) Any radioactive wastes.
- (12) Any holding tank wastes.
- (13) Any substance, materials, waters or wastes of such nature or in such quantities or concentrations as are prohibited by the rules and regulations of the Joint Sewage Board.

§ 342-25. Limitations on point of discharge.

No person shall discharge substances directly into a manhole or other opening in a public sewer other than through an approved building sewer.

§ 342-26. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts, sand or other harmful ingredients; except that such interceptors shall not be required for private residences. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes of temperature. They shall be of substantial construction, watertight, and equipped with removable covers which, when mounted in place, shall be gastight and watertight.

§ 342-27. Dilution prohibited.

No discharger into the City sewer system shall augment his or her use of process water or otherwise intentionally dilute his or her discharge as a partial or complete substitute for adequate treatment to achieve compliance with this chapter.

ARTICLE VII, Industrial Wastewater Discharges

§ 342-28. Authority of Joint Sewage Board.

- A. Notwithstanding any other provisions of law, the admission into the City public sewers of any industrial wastes shall be subject to the review and approval of the Joint Sewage Board. The Board is hereby granted authority, concurrent with that of the City, to enforce against any user within the City all requirements necessary to ensure compliance with the provisions of the rules and regulations of the Board. Nothing contained herein, however, shall be construed as precluding the City from seeking against any user such remedial action as it deems appropriate for correcting any violation of its local laws, ordinances or regulations governing use of the City public sewer system.
- B. In exercising its authority over users discharging industrial wastes into the City public sewer system, the Board may:
 - (1) Require pretreatment of the user's wastewater to a condition acceptable for discharge to the public sewer;
 - (2) Require the user to apply for and obtain an industrial wastewater discharge permit as a means of controlling the quantities and rates of discharge;
 - (3) Require payment by the user to cover any added cost of handling and treating the wastewater not covered by existing fees or charges;
 - (4) Require the development of compliance schedules by the user to meet any applicable requirements prescribed by the Board's rules and regulations;
 - (5) Require the user to submit such reports and supplemental information which the Board deems necessary to assure compliance with any applicable requirements prescribed by the Board's rules and regulations;

- (6) Carry out all inspection, surveillance and monitoring necessary to ascertain the user's compliance with any applicable requirements prescribed by the Board's rules and regulations;
- (7) Investigate or make inquiry in a manner to be determined by it, as to any condition within the City affecting the operation of the Joint Sewage Treatment Plant, and as to any alleged act or omission resulting in a user's failure to comply with the Board's rules and regulations;
- (8) Obtain remedies for noncompliance by any user as specified in § 342-33 of this chapter;
- (9) Reject the user's wastewater, where the Board determines that the wastewater contains substances or possesses characteristics which have a deleterious effect on the sewage treatment plant and its appurtenant structures and facilities, or the processes, equipment or receiving waters of the treatment plant; or which constitute a public nuisance or hazard; or
- (10) Take such other measures as it deems necessary and proper to ensure compliance with this chapter, with applicable state and federal law, and with the rules and regulations of the Board.

§ 342-29. Violations.

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

§ 342-30. Industrial waste surcharge.

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

§ 342-31. Cooperation of City officials.

City officers and employees shall cooperate fully with the Board in the Board's enforcement and administration of its rules and regulations within the City.

ARTICLE VIII, Enforcement and Penalties

§ 342-32. Enforcement by City Engineer; penalties for offenses.

- A. Whenever it shall appear to the City Engineer, after investigation, that any person has violated any provision of this chapter (other than a provision of § 342-29), the City Engineer shall give written notice to the alleged violator or violators, setting forth the nature of the violation, and directing that the matters complained of be corrected within such reasonable time limit as may be set by the City Engineer. Any such notice shall be served on the violator by personal service or by registered or certified mail sent to the last address of the violator known to the City Engineer. Where the address

is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken within the time allotted by the notice, the violator shall be subject to the penalty provisions set forth in Subsection B below, in addition to any City code enforcement procedures otherwise authorized by law.

- B. Any person who willfully violates any provision of this chapter (other than a provision of § 342-29), or any order of the City Engineer issued pursuant to Subsection A above, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$500. Each offense shall be a separate and distinct offense; and in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.
- C. Any person violating any of the provisions of this chapter shall, in addition, be liable to the City for any expense, loss or damage occasioned to the City by reason of such violations, and any expense incurred in correcting the violation.
- D. The Corporation Counsel, on his or her own initiative or at the request of the City Engineer, shall have the right to seek equitable relief in the name of the City to restrain the violation of, or to compel compliance with, this chapter or any order or determination issued thereunder by the City Engineer.
- E. Notwithstanding any inconsistent provisions of law, whenever the City Engineer finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which in his or her judgment presents an imminent danger to the public health, safety or welfare, or to the environment, or is likely to result in irreversible or irreparable damage to the public sewer system, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the City Engineer may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as in his or her judgment will reasonably notify such person whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. In the event of a user's failure to comply voluntarily with such emergency order, or where the giving of notice is impracticable, the City Engineer may take all appropriate action to abate the violating condition, including disconnecting the user's premises from the City public sewer system. As promptly as possible thereafter, not to exceed 15 days, the City Engineer shall provide the user with the written notice required by Subsection A of this section.

§ 342-33. Enforcement by Joint Sewage Board; penalties for offenses.

- A. Any person who violates any provision of § 342-29 of this chapter shall be liable to the Board for a civil penalty of not less than \$100 nor more than \$500 for each violation, to be assessed by the Board after a hearing or opportunity to be heard in accordance with the procedures set forth in the Board's rules and regulations. Each violation shall be a separate and distinct violation; and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Board's attorney in any court of competent jurisdiction.
- B. In addition to the power to assess penalties as set forth in Subsection A above, the Board is hereby empowered, following a hearing or opportunity to be heard in accordance with the provisions of its rules and regulations, to issue an order in the name of the Board and of the City enjoining the violator from continuing the violation. Any such order of the Board shall be enforceable in an action brought by the Board's attorney in any court of competent jurisdiction.
- C. Any civil penalty or final order issued by the Board pursuant to Subsection B may be reviewed in a proceeding brought pursuant to Article 78 of the New York CPLR. Application for such review must

be made within 30 days after service in person or by mail of a copy of the determination or order upon the attorney of record for the applicant, or upon the applicant in person if not represented by an attorney.

- D. Any person who willfully violates any provision of § 342-29 above shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$300 nor more than \$1,000 or by imprisonment for a term of not more than six months, or by both such fine and imprisonment. Each offense shall be a separate and distinct offense; and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.
- E. Any person violating any provision of § 342-29 above shall, in addition, be liable to the Joint Sewage Board for any expense, loss or damage occasioned to the Board by reason of such violation, and any expense incurred in correcting the violation.
- F. The Board's attorney, or the Corporation Counsel at the request of the Joint Sewage Board, shall have the right to seek equitable relief in the name of the City to restrain the violation of, or to compel compliance with, any provision of § 342-29 of this chapter.
- G. Notwithstanding any inconsistent provisions of law, whenever the Board finds after investigation that any user within the City is causing, engaging in or maintaining a condition or activity which, in its judgment, presents an imminent danger to the public health, safety or welfare, or to the environment, or is likely to result in irrevocable or irreparable damage to the Joint Sewage Treatment Plant, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Board may, without prior hearing, order such user by notice in writing wherever practicable, or in such other form as in the Board's judgment will reasonably notify such person whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity; and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. In the event of a user's failure to comply voluntarily with such emergency order, or where the giving of a notice is impracticable, the Board may take all appropriate action to abate the violating condition, including disconnecting the user's premises from the City public sewer system. As promptly as possible thereafter, not to exceed 15 days, the Board shall provide the user an opportunity to be heard in accordance with the provisions of its rules and regulations.