

Chapter 94

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 5-28-1996 as L.L. No. 1-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Water — See Ch. 115.

Development procedures — See Ch. A125.

ARTICLE I

Title; Purpose; Repealer

§ 94-1. Short title.

For brevity and ease of communication, this chapter may be cited as the "Village of Champlain Sewer Use Law."

§ 94-2. General purpose.

The general purpose of this chapter is the following: to provide for efficient, economic, environmentally safe and legal operation of the Village of Champlain POTW.

§ 94-3. Specific purposes.

The specific purposes of this chapter are the following:

- A. To prevent the introduction of substances into the POTW that will:
 - (1) Interfere with the POTW in any way.
 - (2) Pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit.
 - (3) Increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals.
 - (4) Endanger municipal employees.

- (5) Cause air pollution or groundwater pollution, directly or indirectly.
- (6) Cause, directly or indirectly, any public nuisance condition.
- B. To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
- C. To assure that new sewers and connections are properly constructed.
- D. To provide for equitable distribution to all users of the POTW of all costs associated with sewage transmission, treatment and residuals disposal and to provide for the collection of such costs.

§ 94-4. Repealer.

The provisions in the existing Village of Champlain Code entitled "Chapter 94" are hereby repealed and said provisions are replaced by the herein set forth Articles I through XIV, inclusive.

ARTICLE II Terminology

§ 94-5. Word usage; definitions.

- A. Unless otherwise stated in the section where the term is used in this chapter, the meaning of terms used in this chapter shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. "Shall" is mandatory; "may" is permissive.
- B. As used in this chapter, the following terms shall have the meanings indicated:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq., as may be amended.

ADMINISTRATOR — The Regional Administrator of the United States Environmental Protection Agency (USEPA), Region 2.

AMMONIA — The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

APPLICANT — That person who makes application for any permit. The "applicant" may be an owner, new or old, or his agent.

APPROVAL AUTHORITY — The USEPA or the New York State Department of Environmental Conservation (NYSDEC) in the event that the NYSDEC is delegated "approval authority" responsibility by the USEPA.

1. Editor's Note: This refers to former Ch. 94, Sewers, adopted 11-9-1981 as L.L. No. 2-1981, as amended.

APPROVED LABORATORY PROCEDURE — The procedures defined as standard methods in this Article or other procedures approved by the Superintendent for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters and/or sludges.

ASTM (denoting "American Society for Testing And Materials") — The latest edition of any ASTM specification, when stipulated in this chapter.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER — An authorized representative of the industrial user may be:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
- (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOD (denoting "biochemical oxygen demand") — The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

BUILDER — Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

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

CHLORINE DEMAND — The result obtained when using an approved laboratory procedure to determine the difference between the amount of chlorine added to a sample and the amount of chlorine remaining in the sample at the end of a specified contact time at room temperature, expressed in milligrams per liter.

COD (denoting "chemical oxygen demand") — The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

COLOR — The optical density at the visual wave length of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

COMPOSITE SAMPLE — The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

CONNECTION — Attachment of one user to a sewer. (See "Extension.")

CONNECTION CHARGE (TAP FEE) — The one-time application fee to offset Village of Champlain expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost and inspection costs. The fee may be scaled to the amount of work involved or to the size of the public sewer involved.

CONTROL AUTHORITY — The term shall refer to "approval authority" or to the Superintendent when the Village of Champlain has an approved pretreatment program under the provisions of 40 CFR 403.11.

CONTROL MANHOLE — A manhole accessible to the control authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

CONVENTIONAL POLLUTANT — A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

COOLING WATER — The water discharged from any system of condensation, air conditioning, refrigeration or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five milligrams per liter or toxic substances as limited elsewhere in this chapter.

COUNTY — Clinton County.

DEVELOPER — Any person who subdivides land for the purpose of constructing or causing to be constructed buildings for which wastewater disposal facilities are required.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of New York. (For reference, see "indirect discharge.")

DOMESTIC WASTES — See "sewage, domestic."

DRY SEWERS — The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of storm or sanitary sewage.

END OF PIPE — For the purpose of determining compliance with limitations prescribed by Article IX, the control manhole, provided that the samples collected from the control manhole are representative of the discharge to the POTW.

END OF PIPE CONCENTRATION — The concentration of a substance in a sample of wastewater at the end of pipe.

END OF PROCESS CONCENTRATION — See "National Categorical Pretreatment Standard."

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

EPA, USEPA or UNITED STATES ENVIRONMENTAL PROTECTION AGENCY — The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules and regulations. Also may be used as a designation for the Administrator or other duty authorized official of this Agency.

EXTENSION — Attachment of a sewer line, with more than one user, to an existing sewer line.

FLOATABLE OIL — Oil, grease or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

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

GARBAGE — The solid wastes from the preparation, cooking and dispensing of food, from the handling, storage and sale of produce and from the packaging and canning of food.

GRAB SAMPLE — A single sample of wastewater representing the physical, chemical and biological characteristics of the wastewater at one point and time.

ICS FORM — The form used by the NYSDEC to survey industries to perform and update the Industrial Chemical Survey.

INDIRECT DISCHARGE — The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the state's waters. (For reference, see "direct discharge.")

INDUSTRIAL — Meaning or pertaining to industry, manufacturing, commerce, trade, business or institution and is distinguished from domestic or residential.

INDUSTRIAL CHEMICAL SURVEY (ICS) — The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

INDUSTRIAL USER — See "user, industrial."

INDUSTRIAL WASTES — The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility or business, as distinct from sanitary sewage.

INFILTRATION — Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections or manholes. "Infiltration" does not include and is distinguished from inflow. "Infiltration" is inadvertent, that is, not purposely designed or built into the sewer or drain.

INFLOW — Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. "Inflow" does not include and is distinguished from infiltration. "Inflow" is purposely designed and/or built into the sewer or drain.

INSPECTOR, SEWER — The individual designated and approved by the Village Board to oversee wastewater treatment and distribution and POTW operations. This definition shall also include his authorized deputy, agent or representative.

INTERFERENCE — A discharge, which, alone or in conjunction with discharges by other sources:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the Village of Champlain POTW's SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):
 - (a) Section 405 of the Clean Water Act.
 - (b) The Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the "Resource Conservation and Recovery Act — RCRA"), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA).
 - (c) Clean Air Act.
 - (d) Toxic Substance Control Act.
 - (e) Marine Protection Research and Sanctuaries Act.

LATERAL, BUILDING — The sewer extension from the building drain to the street lateral or other place of wastewater disposal.

LATERAL, STREET — The sewer extension from the public sewer to the property line.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(B) and (C) of the Act (22 U.S.C. § 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process (end of process).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of Section 307 (B) of the Act and 40 CFR 403.5.

NATURAL OUTLET — Any outlet, including storm sewers and combined sewer overflows, to state's waters.

NEW OWNER — That individual or entity who purchased property within the service area of the Village of Champlain after the effective date of this chapter.

NEW SOURCE — Any source, the construction of which is commenced after the publication of the proposed regulation prescribing a Section 307 (C) (33 U.S.C. § 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated.

NEW USER — A discharger to the POTW who commences discharge after the effective date of this chapter.

NUISANCE — The use or lack of use of the POTW in such a manner so as to endanger life or health, give offense to the senses or obstruct or otherwise interfere with the reasonable use or maintenance of the POTW.

OIL AND GREASE — The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease and oil, in a sample, expressed in milligrams per liter.

OLD OWNER — That individual or entity who owns or owned a property, within the service area of the POTW, purchased prior to the effective date of this chapter, who inherited the property at any time and intends to sell the property or has sold the property to a new owner; also the agent of the "old owner."

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

PASS-THROUGH — The discharge which exits the Village POTW into waters of the state in quantities which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

PERMIT — A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies and requiring other actions as authorized by this chapter.

PERSON — Any individual, public or private corporation, political subdivision, federal, state or local agency or entity, association, trust, estate or any other legal entity whatsoever.

pH — The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter of solution. A "pH" value of 7.0, the "pH" scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

PHOSPHORUS, TOTAL — See "total phosphorus."

POLLUTANT — Any material placed into or onto the state's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and/or radiological integrity of the state's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

POTW TREATMENT PLANT — That portion of the POTW designed to provide treatment to wastewater and to treat sludge and residuals derived from such treatment.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

PRETREATMENT STANDARD or NATIONAL PRETREATMENT STANDARD — Any categorical standard or prohibitive discharge standard.

PRETREATMENT (TREATMENT) — The reduction of the amount of pollutants, the elimination 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 such pollutants into a POTW. The reduction or alteration can be achieved by physical, chemical or biological process, process changes or by other means, except as prohibited by 40 CFR 403.6(D).

PRIORITY POLLUTANTS — The most recently revised or updated list, developed by the EPA, in accordance with the Act.

PROHIBITIVE DISCHARGE STANDARD — See "National Prohibitive Discharge Standard."

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than 1/2 inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned, in this instance, by the Village of Champlain. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant but does not include pipes, sewers or other conveyances not connected directly or indirectly to a facility providing treatment.

RECEIVING WATERS — A natural watercourse or body of water (usually waters of the state) into which treated or untreated sewage is discharged.

ROOF DRAIN — A drain installed to receive water collecting on the surface of a roof for disposal.

SEPTAGE — All liquids and solids in and removed from septic tanks, holding tanks, cesspools or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions and industries. Also sludge from small sewage treatment plants. "Septage" shall not have been contaminated with substances of concern or priority pollutants.

SEPTIC TANK — A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and state requirements.

SERVICE AREA OF THE POTW — The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined or consolidated by action of the Champlain Village Board.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, and such groundwater, surface water and stormwater as may be inadvertently present. The admixture of "sewage," as defined above, with industrial wastes and other wastes shall also be considered "sewage," within the meaning of this definition.

SEWAGE, ABNORMAL — Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage.

SEWAGE, DOMESTIC (DOMESTIC WASTES) — Liquid wastes from the noncommercial preparation, cooking and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings and institutions or liquid wastes from clothes washing and/or floor/wall washing. Therefore, "domestic sewage" includes both black water and grey water. (See "sewage, sanitary.")

SEWAGE, NORMAL —

- (1) Sewage, industrial wastes or other wastes, which show, by analysis, the following characteristics:
 - (a) BOD (five-day): 2,090 pounds per million gallons [250 milligrams per liter] or less.
 - (b) Suspended solids: 2,500 pounds per million gallons [300 milligrams per liter] or less.
 - (c) Phosphorus: 125 pounds per million gallons [15 milligrams per liter] or less.
 - (d) Ammonia: 250 pounds per million gallons [30 milligrams per liter] or less.
 - (e) Total Kjeldahl nitrogen: 417 pounds per million gallons [50 milligrams per liter] or less.
 - (f) Chlorine demand: 209 pounds per million gallons [25 milligrams per liter] or less.
 - (g) Chemical oxygen demand: 2,920 pounds per million gallons [350 milligrams per liter] or less.
 - (h) Oil and grease: 830 pounds per million gallons [100 milligrams per liter] or less.
- (2) In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern, it may not be considered "normal sewage."

SEWAGE, SANITARY — Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from stormwater, surface water, industrial and other wastes. (See "domestic wastes.")

SEWAGE TREATMENT PLANT (WATER POLLUTION CONTROL PLANT) — See "POTW Treatment Plant."

SEWAGE, UNUSUAL STRENGTH OR CHARACTER — Sewage which has characteristics greater than those of normal sewage and/or which contains substances of concern.

SEWER — A pipe or conduit for carrying or transporting sewage.