

- F. Compliance schedules.
- G. Requirements for submission of technical reports of discharge reports.
- H. Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Village of Champlain, and affording the Superintendent access thereto.
- I. Requirements for notification of the Village of Champlain of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- J. Requirements for the notification of the Village of Champlain of any change in the manufacturing and/or pretreatment process used by the permittee.
- K. Requirements for notification of excessive, accidental or slug discharges.
- L. Other conditions as deemed appropriate by the Village of Champlain to ensure compliance with this chapter and state and federal laws, rules and regulations.

**§ 94-81. Permit duration.**

Permits shall be issued for a specified time period, not to exceed five years.

**§ 94-82. Permit reissuance.**

The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Superintendent, during the term of the permit, as limitations or requirements, as identified in § 94-79, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in § 94-78A(12)(a).

**§ 94-83. Permits nontransferable.**

Wastewater discharge permits are issued to a specific user for a specific operation or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.

**§ 94-84. Permit revocation.**

Wastewater discharge permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges and failure to meet compliance schedules.

**§ 94-85. Reporting requirements for permittee.**

- A. The reports or documents required to be submitted or maintained under this section shall be subject to:
- (1) The provisions of 19 U.S.C. § 1001 relating to fraud and false statements.
  - (2) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certifications.
  - (3) The provisions of Section 309(c)(6) of the Act, as amended, regarding corporate officers.
- B. Baseline monitoring report. Within 180 days after promulgation of an applicable federal categorical pretreatment standard, a user subject to that standard shall submit, to the Superintendent, the information required by Subsections A(8) and (9) of § 94-78.
- C. Ninety-day compliance report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.
- D. Periodic compliance reports.
- (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent, during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in § 94-78. At the discretion of the Superintendent, and in the consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted; however, no fewer than two reports shall be submitted per year.
  - (2) The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by § 94-85D(1) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of discharge sampling and analysis, including the flow and the nature and

concentration or production and mass, where requested by the Superintendent, of pollutants contained therein, which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with standard methods by a laboratory certified by NYSDOH to perform the analyses.

- E. Violation report. If sampling performed by the user indicates a violation of this chapter and/or the user's discharge permit, the user shall notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The user is not required to resample if the POTW performs monitoring of the user's discharge at least once a month for the parameter which was violated or if the POTW performs sampling, for the parameter which was violated, between the user's initial sampling and when the user receives the results of this sampling.
- F. Other reports. The Superintendent may impose reporting requirements equivalent to the requirements imposed by § 94-85D for users not subject to pretreatment standards.

#### **§ 94-86. Flow equalization.**

No person shall cause the discharge of slugs to the POTW. Each person discharging into the POTW greater than 100,000 gallons per day or greater than 5% of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to ensure equalization of flow over a twenty-four-hour period. The facility shall have a capacity for at least 50% of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Superintendent. A wastewater discharge permit may be issued solely for flow equalization.

#### **§ 94-87. Monitoring stations (control manholes).**

- A. All significant industrial users and other industrial users whose industrial waste discharge has caused or may cause interference or pass-through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling and measurement of their industrial wastewater discharge.
- B. If there is more than one street lateral serving an industrial user, the Superintendent may require the installation of a control manhole on each lateral.
- C. The Superintendent may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the Superintendent or his designated representative.

#### **§ 94-88. Design and maintenance of facilities and monitoring stations.**

Preliminary treatment and flow equalization facilities or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe and

continuously operational by the owner at his expense. Where an industrial user has such treatment, equalization or monitoring facilities at the time this chapter is enacted, the Superintendent may approve or disapprove the adequacy of such facilities. Where the Superintendent disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization or monitoring are required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Superintendent. Construction of new or upgraded facilities shall not commence until written approval of the Superintendent has been obtained.

**§ 94-89. Vandalism or tampering.**

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

- A. Any structure, appurtenance or equipment which is a part of the Village of Champlain POTW; or
- B. Any measuring, sampling and/or testing device or mechanism installed pursuant to any requirement under this chapter.

**§ 94-90. Sampling and analysis.**

- A. Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.
- B. All measurements, tests and analyses of the characteristics of waters and wastes required in any section of this chapter shall be carried out in accordance with standard methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in § 94-87, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in federal regulations, samples shall be gathered as flow proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

**§ 94-91. Accidental discharges; SPCC plan.**

- A. Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this chapter or of an industrial wastewater discharge permit. Users shall immediately notify the Superintendent of the discharge of wastes in violation of this chapter or any permit. Such discharges may result from:
  - (1) Breakdown of pretreatment equipment.

- (2) Accidents caused by mechanical failure or negligence.
  - (3) Other causes.
- B. Where possible, such immediate notification shall allow the Superintendent to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five days of the occurrence, and the Superintendent shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.
- C. When required by the Superintendent, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Superintendent for approval. These plans and procedures shall be called a spill prevention, control and counter measure (SPCC) plan. The plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including nonroutine bath discharges.
  - (2) Description of stored chemicals.
  - (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any national prohibitive discharge standard.
  - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or messengers and equipment for emergency response.

#### **§ 94-92. Notices to be posted by user.**

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

#### **§ 94-93. Sample splitting.**

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

**§ 94-94. Access to information.**

- A. When requested, the Superintendent shall make available to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs and inspections, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics and reports of accidental discharges shall not be recognized as confidential.
- B. Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies for uses related to this chapter or the SPDES permit, provided that the governmental agency making the request agrees to hold the information confidential, in accordance with state or federal laws, rules and regulations. The Superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

**§ 94-95. Access to property.**

The Superintendent and other authorized representatives of the Village of Champlain, representatives of EPA, NYSDEC, NYSDOH and/or Clinton County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all nonresidential properties at all times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain a user's compliance with applicable provisions of federal and state law governing use of the Village of Champlain POTW and with the provisions of this chapter. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the user's property or property rented/leased by the user, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Such representative(s) shall additionally have access to and may copy any records the user is required to maintain under this chapter. 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.

**§ 94-96. Access to easements.**

The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Village of Champlain holds an easement for the purpose of inspection, observation, measurement, sampling, repair and maintenance of any portion of the Village of Champlain 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.

**§ 94-97. Liability of property owner.**

During the performance, on private premises, of inspections, sampling or other similar operations referred to in §§ 94-95 and 94-96, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

**§ 94-98. Special agreements.**

- A. Nothing in this Article shall be construed as preventing any special agreement or arrangement between the Village of Champlain and any user of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Village of Champlain Board shall consider whether the wastewater will:
- (1) Pass through or cause interference.
  - (2) Endanger the public municipal employees.
  - (3) Cause violation of the SPDES permit.
  - (4) Interfere with any purpose stated in § 94-2.
  - (5) Prevent the equitable compensation to the Village of Champlain for wastewater conveyance and treatment and sludge management and disposal.
- B. No discharge which violates the Federal Pretreatment Standards will be allowed under the terms of such special agreements.

**ARTICLE XI****Enforcement and Penalties****§ 94-99. Enforcement response plan.**

- A. The Superintendent shall prepare an enforcement response plan. The enforcement response plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document and respond to violations by users of the POTW. All violations by users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.
- B. The enforcement response plan shall:
- (1) Describe how the Superintendent will investigate instances of noncompliance.

- (2) Describe the types of escalated enforcement actions that the Superintendent will take in response to all anticipated types of user violations and the time periods within which to initiate and follow up these actions.
- (3) Adequately reflect the Village Board's responsibility to enforce all applicable standards and requirements.

C. The enforcement response plan shall contain:

- (1) Criteria for scheduling periodic inspection and/or sampling visits to POTW users.
- (2) Forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence.
- (3) Systems to track due dates, compliance schedule milestones and pending enforcement actions.
- (4) Criteria, responsible personnel and procedures to select and initiate an enforcement action. The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as magnitude of the violation, duration of the violation, effect of the violation on the receiving water, effect of the violation on the POTW, effect of the violation on the health and safety of the POTW employees, compliance history of the user and good faith of the user, and shall promote consistent and timely use of enforcement remedies.

D. The Village Board shall approve the enforcement response plan. The enforcement response plan shall be reviewed at least every five years.

**§ 94-100. Notification of violation.**

Whenever the Superintendent finds that any user has violated or is violating this chapter or any wastewater discharge permit, order, prohibition, limitation or requirement permitted by this chapter, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within 10 calendar days of the date the Superintendent mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Superintendent by the user. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.

**§ 94-101. Consent orders.**

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

**§ 94-102. Administrative or compliance orders.**

- A. When the Superintendent finds that a user has violated or continues to violate this chapter or a permit or administrative order issued thereunder, he may issue an administrative order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.
- B. The user may, within 15 calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
- (1) Reject any frivolous petitions;
  - (2) Modify or suspend the order; or
  - (3) Order the petitioner to show cause in accordance with § 94-107 and may as part of the show cause notice request the user to supply additional information.

**§ 94-103. Administrative fines.**

- A. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter or a wastewater discharge permit or administrative order issued hereunder shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.
- B. The user may, within 15 calendar days' of notification of the Superintendent's notice of such fine, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
- (1) Reject any frivolous petitions;
  - (2) Modify or suspend the fine; or
  - (3) Order the petitioner to show cause in accordance with § 94-107 and may as part of the show cause notice request the user to supply additional information.

**§ 94-104. Cease and desist orders.**

- A. When the Superintendent finds that a user has violated or continues to violate this chapter or any permit or administrative order issued hereunder, the Superintendent may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:
- (1) Comply forthwith.

- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.
- B. The user may, within 15 calendar days of the date the Superintendent mails notification of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
- (1) Reject any frivolous petitions;
  - (2) Modify or suspend the order; or
  - (3) Order the petitioner to show cause in accordance with § 94-107 and may as part of the show cause notice request the user to supply additional information.

**§ 94-105. Termination of permit.**

- A. Any user who violates the following conditions of this chapter or a wastewater discharge permit or administrative order or any applicable or state and federal law is subject to permit termination:
- (1) Violation of permit conditions.
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
  - (3) Failure to report significant changes in operations or wastewater constituents and characteristics.
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- B. Noncompliance industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.
- C. The user may, within 15 calendar days of the date the Superintendent mails such notification, petition the Superintendent to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
- (1) Reject any frivolous petitions; or
  - (2) Order the petitioner to show cause in accordance with § 94-107 and may as part of the show cause notice request the user to supply additional information.

**§ 94-106. Water supply severance.**

- A. Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

- B. The user may, within 15 calendar days of severance, petition the Superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
- (1) Reject any frivolous petitions;
  - (2) Reconnect the water supply; or
  - (3) Order the petitioner to show cause in accordance with § 94-107 and may as part of the show cause notice request the user to supply additional information.

**§ 94-107. Show cause hearing.**

- A. The Superintendent may order any user appealing administrative remedies for violations of this chapter to show cause, before the Village Board, why an enforcement action, initiated by the Superintendent, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Village Board regarding the violation, the reasons why the action is to be taken and the proposed enforcement action and directing the user to show cause before the Village Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least 10 calendar days before the hearing in accordance with § 94-109 of this Article. Service shall be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment. The notice of the hearing shall be served at least 10 calendar days before the hearing, in accordance with § 94-109.
- B. The Village Board may itself conduct the hearing or may designate any of its members or any officer or employee of the Village of Champlain to conduct the hearing and/or:
- (1) Issue, in the name of the Village Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
  - (2) Take the evidence.
  - (3) Take sworn testimony.
  - (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board for action thereon.
- C. After the Village Board has reviewed the evidence and testimony, it may order the user to comply with the Superintendent's order or fine, modify the Superintendent's order or fine or vacate the Superintendent's order or fine.

**§ 94-108. Failure of user to petition the Superintendent.**

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