

COUNTY OF ONONDAGA

**RULES AND REGULATIONS RELATING
TO THE USE OF THE PUBLIC SEWER SYSTEM**



ISSUED BY

**THE COUNTY OF ONONDAGA
DEPARTMENT OF DRAINAGE AND SANITATION**

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ARTICLE I

AUTHORITY

SECTION 1.01 Authority. Under authority of Sections 11.53 g, 11.53 j, 11.67, 11.68 and 11.79, of Appendix 11 A of the Onondaga County Administrative Code, the following Rules and Regulations are hereby promulgated by the Commissioner of the Department of Drainage and Sanitation pertaining to the discharge of storm water, well water, ground water, cooling water, unpolluted water, industrial wastewater, sewage, or other wastewater in the County sewer system.

ARTICLE II

GENERAL PROVISIONS

Section 2.01 Purpose and Policy. These Rules and Regulations set uniform requirements for discharges into the wastewater collection and treatment system and enable the Department of Drainage and Sanitation to comply with the requirements of the Federal Act and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the County's collection and wastewater treatment system. These Rules and Regulations provide a means for determining wastewater volume, constituents and characteristics, the setting of industrial waste surcharges and fines, and the issuance of permits to certain users.

SECTION 2.02 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, published by The American Health Association, The American Water Works Association and The Water Pollution Control Federation, whenever used in the Rules and Regulations, unless otherwise expressly stated or required by subject matter of context.

"BOD (denoting Biochemical Oxygen Demand)" shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

"Building Drain" shall mean 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 sewer, beginning three (3) feet (0.09 meters) outside the inner face of the building wall.

"Building Drain System" shall mean that part of the plumbing system which receives, conveys, and removes liquid and water carried wastes to a building drain.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Combined Sewer" shall mean a sewer intended to receive wastewater as well as storm and surface water.

"Combined Waste" shall mean wastewater containing surface and/or storm water.

"Commissioner" shall mean the Commissioner of the Department of Drainage and Sanitation of the County of Onondaga or his authorized Deputy, Agent or Representative.

"Composite Sample" shall mean a combination of individual samples of wastewater taken at selected intervals, generally hourly for a specified period. Individual samples may have equal volume or may be proportioned to the flow at the time of sampling.

"Cooling Water" shall mean the water discharges from any system of condensation, air conditioning, cooling refrigeration, or other sources. It shall contain no polluting substances which would produce BOD or Suspended Solids each in excess of ten (10) milligrams per liter.

"County" shall mean the County of Onondaga, New York.

"County Sewer System" shall mean all sewers, laterals, pump stations, treatment plants or works, or other connections which connect with or pertain to a connection with the sewers, plants, public works and/or other projects of the Department.

"DEC" shall mean the New York State Department of Environmental Conservation.

"Department" shall mean the Department of Drainage and Sanitation of the County of Onondaga.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Effluent" shall mean treated wastewater flowing from any treatment device or facility.

"EPA" shall mean the United States Environmental Protection Agency.

"Federal Act" shall mean the 1972 Federal Water Pollution Control Act Amendment, 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 Environmental Protection Agency pursuant to the Act.

"Flow Rate" shall mean the quantity of waste or liquid that flows in a certain period of time.

"Garbage" shall mean 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.

"Grab Sample" shall mean a single sample of wastewater taken at neither set time or flow.

"Holding Tank Waste" shall mean any sanitary waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

"Industrial User" shall mean any non-residential user of the Onondaga County treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

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

"Industry" shall mean any establishment which uses water in a product or generates a wastewater during any period of production.

"Industrial Waste" shall mean 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.

"Industrial Waste Discharge Permit" shall mean a permit to deposit or discharge industrial waste into any sanitary sewer under the jurisdiction of the Onondaga County Department of Drainage and Sanitation.

"Infiltration" shall mean the water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

"Influent" shall mean wastewater, raw or partly treated, flowing into any sewage treatment device or sewage treatment facilities.

"Inflow" shall mean the water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellars, yards, and area drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

"Interference" shall mean the inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of Onondaga County SPDES permit. The term includes prevention of sewage sludge reuse, reclamation, or disposal by the POTW in accordance with 405 of the Act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or any stringent State criteria applicable to the method of disposal or use employed by the POTW.

"Person" shall mean any individual, firm, company, partnership, association, and private or public and municipal corporations, responsible corporate officer, the United States of America, the State of New York, districts and all political subdivisions, governmental agencies and mandatories thereof.

"Pollutants" shall mean, or may be defined now or hereafter by appropriate local, state or federal authorities or by the Commissioner, substances which may be present in wastewater, whether gaseous, liquid or solid, the amount 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" shall mean any parcel of real property including land, improvements or appurtenances as buildings, grounds, etc.

"Private Sewer" shall mean a sewer either on private property or in a public street which has not yet been constructed by or is controlled by a public agency.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

"Publicly Owned Treatment Works (POTW)" shall be a treatment works as defined by Section 212 of the Act (33 USC 1292). Includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

"Rules and Regulations" shall mean these Rules and Regulations Relating to the Use of the Public Sewer System issued by Onondaga County.

"Sanitary Sewer" shall mean a sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants, and institutions.

"Sanitary Waste" shall mean 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.

"Sewer" shall mean a pipe or conduit for carrying wastewater.

"Shall" is mandatory; "May" is permissive.

"Shredded Garbage" shall mean 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 a dimension greater than one-half inch in any direction.

"Significant Industrial Users" are defined as those industries meeting one or more the following criteria: 1) All industrial facilities subject to promulgated categorical pretreatment standards; 2) Industrial facilities having substantial impact, either singly or in combination with other industrial facilities on the operation of the treatment works; 3) A single industrial facility using, on an annual basis, more than 10,000 pounds or 1,000 gallons of any substance defined as a priority pollutant and/or substance of concern and discharging a measurable amount of that substance to the sewer system from the process using that substance; 4)

Those industries discharging more than five percent (5%) of the average daily flow or more than five percent (5%) of the load of conventional pollutants tributary to the treatment plant receiving the waste.

"Storm Sewer" shall mean a sewer intended to carry only storm waters, surface run-off, street wash waters, and drainage.

"Suspended Solids" shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater, as determined by Standard Methods.

"Toxic Substances" shall mean any substances whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient amounts may tend to interfere with any sewage treatment process, constitute a hazard to the receiving waters of the effluent from the sewage treatment plant, pose a hazard to sewer maintenance personnel, or constitute a hazard to fish or animal life or inhibit aquatic life.

"Treatment Works" shall mean any devices or systems used in the storage, treatment, cycling, and reclamation of municipal sewage or industrial wastes of liquid nature. This includes intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run-off, or industrial waste, including waste in combined storm water and sanitary sewer systems.

"Unpolluted Water" shall mean 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" shall mean any person who contributes, causes or permits the contribution of wastewater into the Onondaga County treatment works.

"Wastewater" shall mean the water-carrying domestic, human or animal waste from residences, buildings, industrial establishments or other places, together with such ground infiltration, industrial and commercial wastes as may be present.

"Wastewater Constituents and Characteristics" shall mean the individual chemical, physical, bacteriological, and radiological parameters including volume, flow rate, and such other parameters that serve to define, classify to measure the contents, quality, quantity and strength of wastewater.

"Wastewater Treatment Plant" shall mean any arrangement of devices and structures or methods used for treating sewage.

ARTICLE III

PROHIBITED USES AND DISCHARGE LIMITATIONS

SECTION 3.01 Prohibited Discharges. No person shall discharge wastes directly or indirectly into the County sewer system, or into any private sewer drain emptying into the County sewer system which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

- (a) 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 cause fire or explosion or be injurious in any other way to the treatment works or to the operation of the treatment works. 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 five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the County, the DEC or EPA has notified the User is a fire hazard or a hazard to the system.
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (c) Any wastewater having a pH less than 5.5 nor higher than 9.5 unless the treatment works are specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the treatment works.
- (d) 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 works, 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 Section 307(a) of the Federal Act.
- (e) 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.

- (f) Any substance which may cause the treatment works' effluent or any other product of the treatment works such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the treatment works is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the treatment works cause the treatment works to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Act; and criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or DEC criteria applicable to the sludge management method being used.
- (g) Any substance which will cause the treatment works to violate its National Pollutant Discharge Elimination System (NPDES) Permit and/or State Pollutant Discharge Elimination System (SPDES) Permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the treatment works treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 150°F (65.5°C) unless the treatment works treatment plant is designed to accommodate such temperature or in such quantities that the temperature at the treatment works influent exceeds 104°F (40°C).
- (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or had reason to know will cause interference to the treatment works.
- (k) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the Commissioner determines that a user(s) is contributing to the treatment works, any of the above enumerated substances in such amounts as to interfere with the operation of the treatment works, the Commissioner shall: 1) advise the user(s) of the impact of the contribution on the treatment works; and 2) develop effluent limitation(s) for such user to correct the interference with the treatment works.

SECTION 3.02 Prohibited Storm Water and Unpolluted Water Discharges. Storm water, surface water, ground water, roof run-off, interior or exterior footing drainage, subsurface drainage, cooling water or unpolluted industrial process waters shall not be discharged through direct or indirect connections to the sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to designated storm sewers, combined sewers or other approved receiver of such unpolluted water where such designation is made.

SECTION 3.03 Limitations on Radioactive Wastes. No person shall discharge or cause to be discharged, any radioactive materials or wastes into the sanitary sewer system except:

- (a) when the person is authorized to use radioactive materials by the DEC or other governmental agency empowered to regulate the use of radioactive materials, and
- (b) when the person is in compliance with all rules and regulations of all other applicable regulatory agencies, and
- (c) has notified the Department of such discharge.

SECTION 3.04 Limitations on Point of Discharge. No person shall discharge substances directly into a manhole or other sanitary opening in a sanitary sewer other than through an approved building sewer.

SECTION 3.05 Holding Tank Waste. No person shall discharge any holding tank waste into a manhole or other opening in a sanitary sewer. All holding tank waste shall be discharged at a County facility at locations designated by the Commissioner. Each separate load of holding tank waste shall be registered with the operator of the treatment facility. The user shall pay the applicable charges or dumping fees and shall meet such other conditions as required by the Department. The Department shall have the right of inquire about the type of waste, the approximate volumes, and the origin of holding tank wastes. The transporter of such wastes shall also have a waste haulers permit from the DEC.

SECTION 3.06 Effluent Limitations and Concentrations. The concentration in wastewater discharged into the County sewer system of any of the following parameters shall not exceed those specified below on either a daily or instantaneous basis. These concentrations shall be applied to wastewater effluents at a point just prior to discharge into the County sewer system.

PARAMETERS (3)	DAILY (1)	INSTANTANEOUS (2)
	ALLOWABLE EFFLUENT CONCENTRATION LIMIT (mg/l)	ALLOWABLE EFFLUENT CONCENTRATION LIMIT (mg/l)
Cadmium (Cd)	2.0	3.0
Chromium, Hexavalent (Cr-Hex)	4.0	6.0
Chromium, Total (Cr)	8.0	12.0
Copper (Cu)	5.0	7.5
Cyanide, Total (CN)	2.0	3.0
Lead (Pb)	1.0	1.5
Mercury (Hg)	.02	.03
Nickel (Ni)	5.0	7.5
Oil & Grease	100	150
Phenolic Compounds	3.0	4.5
Silver (Ag)	1.0	1.5
Zinc (Zn)	5.0	7.5

- (1) As determined by a composite sample taken of the users daily discharge over the operational and/or production period.
- (2) As determined by a grab sample taken of the users discharge at any time during the daily operational and/or production period.

- (3) All concentrations listed for metallic substances shall be as "total metal" which shall be defined as the value measured in a sample acidified to a pH value of less than 2 without prior filtration.

SECTION 3.07 Special Conditions. No person shall discharge or permit the discharge or infiltration into the County sewer system the following wastes unless prior approval is granted by the Commissioner:

- (a) Wastes containing more than 300 mg/l of BOD₅.
- (b) Wastes containing more than 350 mg/l of total suspended solids.
- (c) Wastes containing more than 10 mg/l of total phosphorous.
- (d) Wastes containing more than 40 mg/l of total Kjeldahl nitrogen.

SECTION 3.08 Federal Effluent Limitations. Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than limitations in these Rules and Regulations. Under Section 307 of the Federal Act, pretreatment standards are designed to achieve three purposes: 1) to protect the operation of the publicly owned treatment works, 2) to prevent discharge of pollutants which pass through such works inadequately treated, and 3) to prevent treatment plant sludges from becoming contaminated with toxic materials which would limit a public owned treatment works sludge disposal alternatives. Users in industrial categories subject to effluent guidelines issued under Section 304 of the Federal Act and discharging pollutants to publicly owned treatment works are required to achieve the level of treatment established by federal regulations.

Nothing in these Rules and Regulations shall be construed to relieve any industrial user from its obligation to comply with the pretreatment standards established pursuant to Section 307 of the Federal Act. Limitations on wastewater strength in Sections 3.06 and 3.07 of these Rules and Regulations may be supplemented with more stringent limitations when in the opinion of the Commissioner:

- (a) The limitations in Sections 3.06 and 3.07 of these Rules and Regulations may not be sufficient to protect the operation of the Department's treatment works, or
- (b) The limitations in Section 3.06 and 3.07 of the Rules and Regulations may not be sufficient to enable the Department's treatment works to comply with the water quality standards or effluent limitations specified in the Department's National Pollutant Discharge Elimination System (NPDES) Permit or State Pollutant Discharge Elimination System (SPDES) Permit.

SECTION 3.09 Dilution Prohibited. No discharger into the County sewer system shall augment his use of process water or otherwise intentionally dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with any effluent limitations specified in these Rules and Regulations.

SECTION 3.10 Disposal of Unacceptable Waste. Waste not permitted to be discharged into the County sewer system must be transported in accordance with Federal Resource Conservation and Recovery Act Regulations to a state or federally approved waste disposal site.

SECTION 3.11 Approval of Connection to Sewer. No connection with or opening into any sewer, manhole, or appurtenances thereto shall be made without the written approval of the Commissioner or the Bureau of Plumbing. The connection of a building sewer into any County sewer shall conform to the requirements of the Department and "Administration Rules and Regulations Governing Plumbing Installations."

SECTION 3.12 Acceptance of New or Increased Discharges. Written approval by the Commissioner is required for all new discharges from industrial users added to the County sewer system. The Commissioner reserves the right to 1) deny or condition new or increased contribution of wastes or changes in wastewater constituents and characteristics, 2) require an industrial user to obtain an industrial wastewater discharge permit as specified in Section 4.01, 3) require the development of a schedule of compliance for an industrial user for the installation of technology required to meet pretreatment standards and requirements, 4) require the industrial user to submit to the Department self monitoring reports.

SECTION 3.13 Connection to Sanitary Sewer Required

The owner of any house, building, or property which is used for human occupancy, employment, recreation, or other purposes, under the jurisdiction of these Rules and Regulations, and abutting on any street, alley, or rights-of-way in which there is or may be located a sanitary sewer connected to the treatment plant of the county, is required at the owners expense to connect sanitary facilities directly to the proper sanitary sewer in accordance with the provisions of these Rules and Regulations, within ninety (90) days after date of official notice from the department.

Any existing sanitary discharge to a storm sewer shall be severed and such discharge reconnected to an existing sanitary sewer at the owners expense, within ninety (90) days after the date of official notice from the department. This section shall not apply to any person served by privately constructed, owned, operated, and maintained sanitary sewer and wastewater treatment plant which discharges directly to a natural outlet in accordance with the provisions of these Rules and Regulations and applicable State and Federal laws.

ARTICLE IV

INDUSTRIAL WASTEWATER DISCHARGE PERMITS AND OTHER REQUIREMENTS

SECTION 4.01 Industrial Waste Discharge Permits. Each industrial user whose wastewater flow and/or wastewater strength is different from that of domestic waste must obtain an industrial waste discharge permit before connecting to or discharging into the County Sewer System. Each industrial user as determined by the Commissioner currently connected must obtain an industrial waste permit within 180 days after the effective date of these Rules and Regulations.

SECTION 4.02 Filing of Permit Application. Industrial users required to obtain an industrial waste discharge permit shall complete and file with the Department an application in the form prescribed by the Commissioner. The applicant may be required to submit the following information:

- (a) Name, address, location, (if different from the address)
- (b) Name and phone number of person to contact concerning industrial waste.
- (c) Average daily wastewater flow rates, including daily, monthly, and seasonal variations if any.
- (d) Wastewater constituents and characteristics of the sewage, industrial waste or other wastes discharged to the sewer system.
- (e) Time and duration of discharge.
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location and elevation.
- (g) Description of activities, facilities and plant processes on the premises including all materials processes and types of materials which are or could be discharged.
- (h) Each product produced by type, amount, process or processes and rate of production.
- (i) Type and amount of raw materials processed.
- (j) Number and type of employees, and hours of work.
- (k) Water consumption and uses.
- (l) Any other information as may be deemed by the Commissioner to be necessary to evaluate the permit application.
- (m) Completion of DEC Industrial Chemical Survey.

The Commissioner will evaluate the data furnished by the user and may require additional information. After evaluation and approval of all the data required, the Department may issue an industrial waste discharge permit subject to the conditions and terms provided herein.

SECTION 4.03 Permit Conditions. Industrial Waste Discharge Permits shall be expressly subject to all provisions of the Rules and Regulations and all other ordinances, regulations, charges and fees established by the Department. The conditions of the industrial waste discharge permit shall be uniformly enforced by the Commissioner in accordance with the Rules and Regulations, and applicable state and federal regulations. The permits may contain the following:

- (a) Effluent limitations or other appropriate limitations when toxic substances are present in the users wastewater discharge.
- (b) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number types and standards for analytical tests and reporting schedule.
- (c) Requirements for submission of reports for conditions of non-compliance.
- (d) Requirements for submission of technical reports or discharge reports.
- (e) Pretreatment requirements.
- (f) Requirements for the submission of information concerning the disposal of waste material separated from the authorized discharge.
- (g) Requirements for the installation of inspection and sampling manhole.
- (h) Schedule of compliance allowing reasonable time to conform with the effluent limitations of these Rules and Regulations.
- (i) Limits on the average and maximum wastewater constituents, flow rates, and time of discharge.
- (j) Requirements for maintaining plant records relating to wastewater discharge as specified by the Department, and affording Department access thereto.
- (k) The computation and requirement for payment of the industrial waste surcharge.
- (l) Other conditions as deemed appropriate by the Department to insure compliance with these Rules and Regulations.

SECTION 4.04 Duration of Permits. Industrial Waste Discharge Permits shall be issued for a specified period of time, not to exceed three (3) years. A permit may be issued for a period less than one(1) year or may be stated to expire on a specified date. If the permittee is not notified by the Department thirty (30) days prior to the expiration of the permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the Department during the life of the permit as limitations or requirements as identified in Sections 3.06 and 3.07 are modified or changed. The permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

SECTION 4.05 Transfer of a Permit. Industrial Waste Discharge Permits are issued to a specific user for a specific operation. In the event of any change in ownership of the industrial facility, the permittee shall notify the new owner of the existence of the permit by letter, a copy of which shall be forwarded to the Commissioner. If the operations and processes are to remain the same, the permit will be effective for the owner. A new industrial waste discharge permit must be issued to the new owner and facility if any other changes are made other than the control of ownership.

SECTION 4.06 Suspension, Modification or Revocation of Permits.

Industrial Waste Discharge Permits may be modified, suspended or revoked where the Commissioner finds after a hearing held in conformance with the procedures set forth in Article VI.:

- a. a violation of any term of the permit, or any order or determination of the Commissioner promulgated under the Rules and Regulations;
- b. that the permit was obtained by misrepresentation or failure to disclose fully all relevant facts; or
- c. a change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge.

SECTION 4.07 Monitoring Facilities. Users who discharge, who propose to discharge, or who in the judgement of the Commissioner could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a domestic premise shall be required to install a monitoring facility.

When, in the judgement of the Commissioner, there is a significant difference in the wastewater constituents and characteristics produced by different operations of a single user, the Commissioner may require that separate monitoring facilities be installed for each discharge.

Monitoring facilities are to be constructed at a common location into which all flows from the user are combined. Sanitary wastewater may be excluded. Whenever the installation of a monitoring facility in a common location is impossible or impractical, the user shall construct and maintain at the user's expense, in lieu of one common monitoring facility, two or more monitoring facilities as required by the Commissioner.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by the user. If sampling and metering equipment is also required by the Department, it shall be provided, installed, operated and maintained at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. If the monitoring facility is inside the user's fence, there shall be accommodation to allow safe and immediate access for the Department personnel such as a gate secured with a Department lock. There shall be ample room in or near such facility to allow accurate sampling and composition of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user. In the event that no special monitoring facility is required, sampling shall be conducted at a point or points selected by the Commissioner.

SECTION 4.08 Inspection and Sampling. The Commissioner and other authorized employees of the Department and employees 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 compliance with the Rules and Regulations. The Department shall have the right to set up on the user's property such devices as are necessary to conduct sampling or flow measurement. 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, personnel from the Department will be permitted to enter without delay for the purposes of performing their specific responsibilities.

SECTION 4.09 Pretreatment. Where necessary, in the opinion of the Commissioner, users shall make wastewater acceptable under the limitations established by these Rules and Regulations and by Section 307 of the Federal Act before discharging into the County sewer system. Any facilities required to pretreat wastewater to a level acceptable to the Department shall be provided and maintained at the user's expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to the Commissioner for review, and shall be approved by the Commissioner before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these Rules and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Department. When pretreatment regulations are adopted by EPA or DEC for any industry, then that industry must immediately conform to the EPA or DEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the Federal Act. Additionally, such industries shall comply with any other stringent standards necessitated by local conditions as determined by the County.

SECTION 4.10 Accidental Discharge (a) Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Commissioner for review, and shall be approved by the Department before construction of the facility. (b) Users shall notify the Department immediately upon discharging wastes in violation of these Rules and Regulations due to (1) breakdown of pretreatment equipment, (2) accidents caused by human error or negligence or mechanical failure, (3) other causes, such as acts of nature, to enable countermeasures to be taken by the Department to minimize damage to the County sewers, treatment facilities, treatment processes and receiving waters.

The Commissioner shall be notified within five (5) days of the date of occurrence by a detailed written statement describing the causes of the discharge and the measures being taken to prevent future occurrences.

Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment facility, or treatment process, or for any fines imposed on the Department on account thereof under Section 309 of the Federal Act, or any liability for civil penalties under Section 7.01.

SECTION 4.11 Confidential Information. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is

able to demonstrate to the satisfaction of the Commissioner at the time the information is submitted that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this law, the National Pollutant Discharge Elimination System (NPDES) Permit, State Pollutant Discharge Elimination System (SPDES) or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Information accepted by the Commissioner as confidential shall not be transmitted to any governmental agency or the general public by the Commissioner until and unless a ten (10) day notification is given to the User. Wastewater constituents and characteristics will not be recognized as confidential information. All requests for information shall be made through the Public Information Officer of the County.

SECTION 4.12 Special Arrangements. No statement in these Rules and Regulations shall be construed as preventing any special agreement between the Commissioner and any industrial concern whereby an industrial waste of unusual constituents or characteristics may be accepted by the Commissioner for treatment subject to the proper payment by the industrial user.

SECTION 4.13 Notice to Employees. In order that employees of the users be informed of Department requirements, users should make available to their employees copies of these Rules and Regulations together with such other wastewater information and notices which may be furnished by the Department from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these Rules and Regulations.

SECTION 4.14 Analytical Procedures. All measurements, tests and analyses of the constituents and characteristics of waters and wastes to which reference is made in these Rules and Regulations shall be determined in accordance with the latest editions of Standard Methods for the Examination of Water and Wastewater and the Methods for Chemical Analysis of Water and Waste and the latest version of 40 CFR Part 136, Analysis of Pollutants.

COUNTY OF ONONDAGA



DEPARTMENT OF DRAINAGE AND SANITATION

650 HIAWATHA BOULEVARD WEST
SYRACUSE, NEW YORK 13204-1194

NICHOLAS J. PIRRO
COUNTY EXECUTIVE

TEL: 315/435-2260
315/435-6820
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RICHARD L. ELANDER, P.E.
COMMISSIONER

December 22, 2000

<http://www.co.onondaga.ny.us/>

TO: ALL INDUSTRIAL USERS

Re: Modification to Section 3.07 of The Onondaga County Rules And Regulations

PLEASE TAKE NOTICE: Section 3.07 of the Onondaga County Rules and Regulations has been amended. Please find the attached amendment to be incorporated with the existing Rules and Regulations.

PLEASE TAKE FURTHER NOTICE: This amendment has been included in your Industrial Wastewater Discharge Permit. Therefore, no permit modification is required.

If you have any questions, please contact Sandra Tuori-Bell of this office.

Sincerely,
DEPARTMENT OF DRAINAGE AND SANITATION


RICHARD L. ELANDER, P.E.
Commissioner

STB/ep

Attach.
cc w/Attach: Pretreatment Corres File
Industrial Files

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Water.
We treat it right.

AMENDMENT
of the
ONONDAGA COUNTY RULES AND REGULATIONS RELATING
TO THE USE OF THE PUBLIC SEWER SYSTEM
Issued by
THE COUNTY OF ONONDAGA
DEPARTMENT OF DRAINAGE AND SANITATION

The "Special Conditions" contained at Section 3.07 of the County of Onondaga "Rules and Regulations Relating to the Use of the Public Sewer System" ("Rules and Regulations") are hereby modified and amended as follows:

AUTHORITY: The Commissioner of the Department of Drainage and Sanitation, under the authority of Section 11.53 g, 11.53 j, 11.67, 11.68 and 11.79, of Appendix 11 A of the Onondaga County Administrative Code, may promulgate rules and regulations pertaining to the discharge of storm water, well water, ground water, cooling water, unpolluted water, industrial wastewater, sewage, or other wastewater in the County Sewer System.

The United States Environmental Protection Agency (EPA), Region II, has made a determination to approve a modification to Onondaga County's Industrial Pretreatment Program (Section 3.07 of the Rules and Regulations), which was developed and submitted, in a letter dated September 24, 1993, with revisions dated December 17, 1998, pursuant to Part 403, Title 40 of the Code of Federal Regulations.

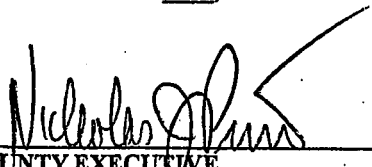
THEREFORE there shall be a new Article III, Section 3.07, of the County of Onondaga Rules and Regulations Relating to the Use of the Public Sewer System to supercede Rules and Regulations, Article III, Section 3.07, promulgated on September 15, 1983, to read as follows:

"Section 3.07 Special Conditions. The Commissioner may limit the following parameters through appropriate permit conditions using either mass-based or concentration-based standards.


- (a) Wastes containing oxygen demanding materials such as 5-day Biochemical Oxygen Demand (BOD₅).
- (b) Wastes containing Total Suspended Solids (TSS).
- (c) Wastes containing Total Phosphorous (TP).
- (d) Wastes containing Total Kjeldahl Nitrogen (TKN).
- (e) Wastes containing Ammonia Nitrogen (NH₃N).
- (f) Any User seeking the Commissioner's approval for a modification of a standard pursuant to this Section shall submit a request for a modification in accordance with the procedures set forth in Section 4.06 of this Law."

FURTHER this modification of Section 3.07 of the Rules and Regulations shall take effect immediately in the manner provided by law.

Dated: December 20, 2000



COUNTY EXECUTIVE
NICHOLAS J. PIRRO



COMMISSIONER, DRAINAGE & SANITATION
RICHARD L. ELANDER

Article V

Industrial Wastewater Surcharge

Section 5.01 Imposition of an Industrial Wastewater Surcharge

In addition to any other fees, charges or sewer rents provided by law, Industrial Users may be required to pay an Industrial Wastewater Surcharge (IWS) for use of the POTW. The IWS recovers costs related to the treatment of high strength industrial wastewater, including the following:

- (a) Operation and Maintenance;
- (b) Debt Service;
- (c) Other charges as incurred by the Department.

Section 5.02 Basis for Determination

The IWS shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of an Industrial User. Wastewater constituents or characteristics used in the calculation of the IWS may include, but are not limited to, volume of wastewater discharged (V) and concentration of Total Kjeldahl Nitrogen (TKN), Five-Day Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), Total Phosphorous (TP), and other constituents (X) determined by the Commissioner. If the average daily concentration of any of the surcharge parameters discharged by the Industrial User exceeds the threshold concentration limits determined by the Commissioner, then a surcharge shall be imposed for that parameter. The Commissioner shall periodically modify or create new threshold limits as appropriate. Any data provided by the Industrial User may be used in addition to the data obtained by the Commissioner.

Section 5.03 Computation of Industrial Wastewater Surcharge

The Industrial Wastewater Surcharge shall be computed by the Commissioner using the current policies and procedures of the Department, and shall apply to Industrial Users as defined in Section 2.03 of this Ordinance (Section 2.02, 1983 SUO). Cost per pound for each pollutant is based on the operation and maintenance costs, debt service costs and other costs incurred by the Department for the treatment of wastewater.

The Industrial Wastewater Surcharge formula is as follows:

$$IWS = TKN_S + BOD5_S + TSS_S + TP_S + X_S$$

Where:

$$TKN_S = (C_{TKN} - TL_{TKN})(Z_{TKN})(8.34)(V) \quad \text{If } C_{TKN} \leq TL_{TKN}, \text{ then } TKN_S = 0.$$

$$BOD5_S = (C_{BOD5} - TL_{BOD5})(Z_{BOD5})(8.34)(V) \quad \text{If } C_{BOD5} \leq TL_{BOD5}, \text{ then } BOD5_S = 0.$$

$$TSS_S = (C_{TSS} - TL_{TSS})(Z_{TSS})(8.34)(V) \quad \text{If } C_{TSS} \leq TL_{TSS}, \text{ then } TSS_S = 0.$$

$$TP_S = (C_{TP} - TL_{TP})(Z_{TP})(8.34)(V) \quad \text{If } C_{TP} \leq TL_{TP}, \text{ then } TP_S = 0.$$

$$X_S = (C_X - TL_X)(Z_X)(8.34)(V) \quad \text{If } C_X \leq TL_X, \text{ then } X_S = 0.$$

Further:

- V = Total Annual Industrial Wastewater Volume (Millions of Gallons) discharged by the Industrial User. (See Section 5.04).
- TKN_S = Surcharge for Total Kjeldahl Nitrogen.
- C_{TKN} = Average Daily Concentration of TKN in mg/l.
- TL_{TKN} = Threshold Concentration Limit for TKN in mg/l.
- Z_{TKN} = Cost per Pound for Treatment of TKN.
- BOD_{5S} = Surcharge for Five-Day Biochemical Oxygen Demand.
- C_{BOD5} = Average Daily Concentration of BOD5 in mg/l.
- TL_{BOD5} = Threshold Concentration Limit for BOD5 in mg/l.
- Z_{BOD5} = Cost per Pound for Treatment of BOD5.
- TSS_S = Surcharge for Total Suspended Solids.
- C_{TSS} = Average Daily Concentration of TSS in mg/l.
- TL_{TSS} = Threshold Concentration Limit for TSS in mg/l.
- Z_{TSS} = Cost per Pound for Treatment of TSS.
- TP_S = Surcharge for Total Phosphorous.
- C_{TP} = Average Daily Concentration of TP in mg/l.
- TL_{TP} = Threshold Concentration Limit for TP in mg/l.
- Z_{TP} = Cost per Pound for Treatment of TP.
- X_S = Surcharge for other constituents.
- C_X = Average Daily Concentration of other constituents in mg/l.
- TL_X = Threshold Concentration Limit for other constituents in mg/l.
- Z_X = Cost per Pound for Removal of other constituents.

Section 5.04 Volume Determination

In applying the IWS formula, the Commissioner may determine the volume of wastewater discharged into the sewer system by:

- (a) The amount of water supplied to the premises as shown on the water meters or water records if the premises are metered; or
- (b) The volume of wastewater discharged into the sewer system as determined by the measurements and samples taken at an approved monitoring facility installed by the owner of the property served by the sewer system or by the County; or
- (c) Allowances for water not discharged to the sewer system, at the discretion of the Commissioner; or
- (d) A figure determined by the Commissioner by any combination of the foregoing or by any other equitable method.

Section 5.05 Determination of Pollutant Concentration

- (a) The pollutant concentration of any wastewater shall be determined from the analysis of representative samples taken prior to discharge into the County Sewer System. Samples shall be collected by representatives of the Commissioner or the Industrial User at sampling stations as described in Section 4.08 of this Ordinance, (Section 4.07, 1983 SUO) or at any location mutually agreed upon between the Industrial User and the Commissioner.
- (b) All analyses of samples taken shall be performed in an accredited laboratory certified by the New York State Department of Health (NYSDOH) or the National Environmental Laboratory Accreditation Program (NELAP). The analyses of samples taken may be performed in the laboratory of the Department or by a laboratory designated by the Commissioner. The IWS or the acceptability of the wastewater shall be determined from said analyses.
- (c) Whenever the wastewater discharged from a premises to the County Sewer System might be expected to show appreciable variation during the year resulting from manufacturing or production variations, the Commissioner may average the results of a series of analyses taken to reflect these variations and thereby determine an average pollutant concentration.

Section 5.06 Pollutant Concentration Disputed by an Industrial User

Written notification must be submitted to the Commissioner in the event that an Industrial User disputes the wastewater pollutant concentration determined by the County. The Commissioner may elect to accept the reasons provided and delete the disputed pollutant concentration data or require that the Industrial User conduct sampling and flow measurement as follows.

- (a) A consultant or agency of recognized professional standing in the employ of the Industrial User must confer with representatives of the Commissioner in order that an agreement may be reached as to the various factors which must be considered for developing a new sampling and flow measurement program.

- (b) The consultant or agency of recognized professional standing employed by the Industrial User shall conduct a resampling and reanalysis program under the direction of the Commissioner for a period specified by the Department.
- (c) The results of the resampling and reanalysis shall be considered to be the current analysis of the wastes discharged to the sewer system and shall be used for determining the acceptability of the sampling and analyses results in question. The new results may be used in place of the results in question or in addition to other data collected by the Department for determining the IWS, or compliance with this Ordinance.
- (d) All analyses of samples taken shall be performed by an accredited laboratory certified by the NYSDOH or NELAP. All costs of resampling and reanalysis are to be paid by the Industrial User.

Section 5.07 Payment of Industrial Wastewater Surcharge

- (a) Payment of the Industrial Wastewater Surcharge within the time period allotted by the Commissioner shall be made to the Department by the Industrial User after receiving the Industrial Wastewater Surcharge bill unless other arrangements for payment have been made and approved by the Commissioner.
- (b) If the County has not received payment (30) thirty calendar days from the date a bill is due, that bill shall accrue interest at a rate of 1.5% per month for the unpaid balance. The Commissioner may also request that the County Attorney seek a lien against the Industrial User's assets in an amount sufficient to satisfy all outstanding charges, fees, and penalties plus the cost of recovering such sums.
- (c) Failure to pay the Industrial Wastewater Surcharge as determined under this Article V is considered an event of Significant Non Compliance that will result in penalties and fines as prescribed under Article VII of this Ordinance and/or other enforcement actions.

Section 5.08 Other Charges And Fees

- (a) The Department may establish additional fees to cover the costs of setting up and maintaining its Pretreatment Program. These fees may include:
 - (1) Fees for Industrial Wastewater Discharge Permit applications including the cost for processing such applications;
 - (2) Fees to cover the cost of monitoring, inspection, and surveillance procedures including the cost of sampling and analyzing the Industrial User's discharge and reviewing all reports submitted by the Industrial User;
 - (3) Fees for reviewing and responding to accidental discharges;
 - (4) Fees to cover the cost of requesting and conducting administrative hearings, including the recovery by the Department of reasonable attorney's fees and costs, if the Department prevails at the hearing or in a judicial proceeding;
 - (5) Any other fees deemed appropriate by the Commissioner, which cover administrative

and other costs incurred in operating and maintaining a Pretreatment Program; and,

- (6) Fees to cover the cost of administering and treating special wastewater discharges including but not limited to septic tank wastewater, holding tank wastewater, nonhazardous wastewater from groundwater remediation projects, wastewater resulting from masonry restoration projects, and wastewater resulting from asbestos abatement projects.

- (b) Any fees established by the Commissioner pursuant to this Section shall be in addition to, and not in lieu of, any other fees, penalties, or costs which may be assessed under this Ordinance.

ARTICLE VI*

PROCEDURES

SECTION 6.01 Proceedings Before The Commissioner. (a) The Commissioner may, on his own motion, investigate or make inquiry in a manner to be determined by him, as to any condition affecting the public sewer system and as to any alleged act or omission of failure to comply with any provision of these Rules and Regulations and any permit, order or determination issued thereunder.

(b) Whenever it shall appear to the Commissioner, after investigation, that there has been violation of any of the provisions of these Rules and Regulations or any permit issued thereunder, he shall give written notice to the alleged violator or violators setting forth any thing or act done or omitted to be done or claimed to be in violation of any such provisions, and requiring that the matters complained of being corrected, or that the alleged violator appear in person or by attorney before the Commissioner or his duly designated representative, at the time and place in said notice specified, and answer the charges complained of.

(c) At least fifteen days (15) notice of such hearing shall be given.

(d) Upon the return day of such notice the person so notified shall file with the Commissioner a statement setting forth the position of the person so notified, the answer, if any, to the charges made against him, the methods, practices and procedures, if any, which are being taken to correct each alleged violation, and any other defenses or information pertinent to the case. Pertinent and relevant testimony of witnesses shall be received in support of or opposition to said statement.

(e) Following a hearing and after due consideration of the written and oral statements, and testimony and arguments filed pursuant to subdivision (d) above, or on default in appearance on said return day, the Commissioner may issue and enter such final order or make such final determination as he deems appropriate under the circumstances, and shall notify such person or persons thereof in writing, personally, or by registered mail.

SECTION 6.02 Hearing; Notice and Procedure. (a) The Commissioner, or any person designated by him for this purpose, may issue subpoenas and administer oaths in connection with any hearing or investigation under or pursuant to the provisions of this article, and it shall be the duty of the Commissioner and any persons designated by him for such purpose to issue subpoenas at the request of and upon behalf of the respondent.

(b) The Commissioner and those designated by him shall not be bound by laws of evidence in the conduct of hearing proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it.

(c) Notice of hearing shall be served at least fifteen (15) days prior to the date of the hearing, provided that, whenever because of danger to the public

health, safety or welfare, it appears prejudicial to the public interest to delay action for fifteen (15) days, the Commissioner may serve the respondent with an order requiring certain action or the cessation of certain activities immediately or within a specified period of less than fifteen (15) days and the Commissioner shall provide an opportunity to be heard within fifteen (15) days after the date the order is served.

(d) Service of notice of hearing or order shall be made by personal service or by registered or certified mail. Where service, whether by personal service or by registered or certified mail, is made upon an infant, incompetent, partnership, corporation, governmental subdivision, board or commission, it shall be made upon the person or persons designated to receive personal service by Article 3 of the Civil Practice Law and Rules.

(e) The County Attorney may prefer charges, attend hearings, present the facts, and take any and all proceedings in connection therewith.

(f) At a hearing, the respondent may appear personally, shall have the right of counsel, and may cross-examine witnesses against him and produce evidence and witnesses in his behalf.

(g) A record, or summary thereof, of the proceedings of said hearings shall be made and filed with the department. If requested to do so by any interested party concerned with said hearing, the full stenographic notes of the testimony presented at said hearing shall be taken and filed. The stenographer shall, upon the payment of his fees allowed by law, therefore, furnish a certificate transcript of the whole or any part of his notes to any party to the action requiring the same.

(h) Unless precluded by law, disposition may be made of any hearing by stipulation, agreed settlement, consent order, default, or other informal method. Within ten (10) days of the notice specified in Section 6.02(b) the user may request a prehearing conference with the Commissioner's representative for an informal disposition of any or all charges.

(i) Upon request made by any party upon the department within a reasonable time, but prior to the time for commencement of judicial review, of its giving notice of its decision, determination, opinion or order, the agency shall prepare the record together with any transcript of proceedings within a reasonable time and shall furnish a copy of the record and transcript or any part thereof to any party as he may request. Except when any law provides otherwise, the department is authorized to charge not more than its cost for the preparation and furnishings of such record or transcript or any part thereof, or the rate specified in the contract between the agency and a contractor if prepared by a private contractor.

(j) Upon application of any affected user the Commissioner may modify or amend any determination after a hearing.

*Local Law No. 3 enacted by the Onondaga County Legislature of the County of Onondaga, New York on the 5th day of July, 1983 and filed with the New York State Department of State, Bureau of State Records on the 11th day of August, 1983.

ARTICLE VII*

ENFORCEMENT & PENALTIES

SECTION 7.01 Administrative Sanctions. (a) Any person who violates any of the provisions of, or who fails to perform any duty imposed by these Rules and Regulations, or any order or determination of the Commissioner promulgated under the Rules and Regulations, or the terms of any permit issued thereunder, shall be liable to the County for a civil penalty not to exceed one thousand dollars for each such violation, to be assessed after a hearing held in conformance with the procedures set forth in Article VI of these Rules and Regulations. Each violation shall be a separate and distinct violation and in the case of a continuing violation, each days continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the County Attorney at the request of the Commissioner in the name of the County in any Court of competent jurisdiction. Such civil penalty may be released or compromised by the Commissioner before the matter has been referred to the County Attorney; and where such matter has been referred to the County Attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the County Attorney with the consent of the Commissioner.

(b) In addition to the power to assess penalties as set forth in subsection (a) above, the Commissioner shall have the power, following a hearing held in conformance with the procedures set forth in Article VI of these Rules and Regulations, to issue an order (1) suspending, revoking or modifying the violator's permit; (2) enjoining the violator from continuing the violation. Any such order of the Commissioner shall be enforceable in a action brought by the County Attorney at the request of the Commissioner in the name of the Department in any court of competent jurisdiction.

(c) Any civil penalty or order issued by the Commissioner pursuant to this subdivision shall be reviewable in a proceeding pursuant to Article 78 of the CPLR. Application for such review must be made within sixty (60) days after service in person or by mail of a copy of the determination or order upon the attorney of record of the applicant and of each person who has filed a notice of appearance, or the applicant in person if not directly represented by an attorney.

SECTION 7.02 Criminal Sanctions. (a) Any person who willfully violates any provision of these Rules and Regulations or any final determination or order if the Commissioner made in accordance with Article VI shall, in addition, be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five hundred nor more than one thousand dollars. 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.

(b) No prosecution under this section shall be instituted until after final disposition of an appeal or review if any, provided by Section 7.01 (c).

SECTION 7.03 Civil Liability. Any person violating any of the provisions of these Rules and Regulations shall, in addition, be civilly liable to the County for any expense, loss or damage occasioned to the County by reason of such violation.

SECTION 7.04 Injunction. The County Attorney, on his own initiative or at the request of the Commissioner, shall have the right to seek equitable relief in the name of the County to restrain the violation of, or to compel compliance with, these Rules and Regulations, or any order or determination issued thereunder by the Commissioner.

SECTION 7.05 Summary Abatement. (a) Notwithstanding any inconsistent provisions of law, whenever the Commissioner finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which, in his judgement, 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 Commissioner may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as in the Commissioner's judgement 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, or where the giving of notice is impracticable, the event of a users failure to comply voluntarily with an emergency order, the Commissioner may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) days, the Commissioner shall provide the user an opportunity to be heard in accordance with the provisions of Article VI.

(b) The Commissioner, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety or welfare, or preserve the public sewer system.

*Local Law No. 3 enacted by the Onondaga County Legislature of the County of Onondaga, New York on the 5th day of July, 1983 and filed with the New York State Department of State, Bureau of State Records on the 11th day of August, 1983.

ARTICLE VIII

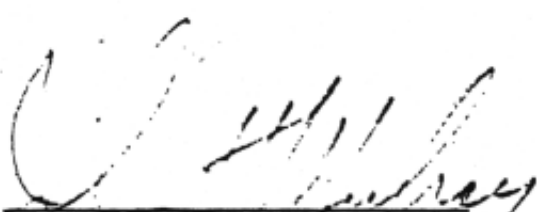
VALIDITY

SECTION 8.01 Repeal of Prior Rules and Regulations. These Rules and Regulations supersedes all previous Rules and Regulations promulgated on November 15, 1972.

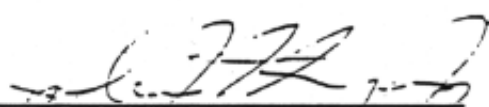
SECTION 8.02 Severability. If any provision of these Rules and Regulations or the application to any person or circumstances is held invalid, the remainder of these Rules and Regulations or application of such provisions to other persons or other circumstances shall not be affected.

SECTION 8.03 Effective Date. These Rules and Regulations shall become effective as dated.

DATE: September 15, 1983



COUNTY EXECUTIVE
JOHN H. MULROY



COMMISSIONER OF DRAINAGE AND SANITATION
JOHN J. HENNIGAN, JR.