

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 772 -2012, ADOPTING LOCAL LAW NO. 53 -2012, A LOCAL LAW AMENDING CHAPTER 740 OF THE SUFFOLK COUNTY CODE IN CONNECTION WITH REVISIONS TO SEWER USE RULES AND REGULATIONS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on June 19, 2012, a proposed local law entitled, "**A LOCAL LAW AMENDING CHAPTER 740 OF THE SUFFOLK COUNTY CODE IN CONNECTION WITH REVISIONS TO SEWER USE RULES AND REGULATIONS**;" and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 53 -2012 SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AMENDING CHAPTER 740 OF THE SUFFOLK COUNTY CODE IN CONNECTION WITH REVISIONS TO SEWER USE RULES AND REGULATIONS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds that this amendment to Chapter 740 of the Suffolk County Code is necessary to enhance enforcement of the existing code, and to protect the sewerage infrastructure and the receiving environment by: adding six defined terms and clarifying language contained in eight existing defined terms; prohibiting the discharge of unused pharmaceutical products to the sanitary sewer; clarifying the requirement for when a Connection Permit must be procured and streamlining the permitting process by establishing a 3-year duration for the use of a connection permit application; clarifying restrictions on wastes hauled for disposal to a County-owned sewage treatment plant; providing the legal authority, in accordance with a requirement by the New York State Department of Environmental Conservation, to impose a sewer connection moratorium if it becomes necessary, pursuant to a letter dated January 28, 2008, regarding POTW Design, Planning and Flow Management requirements as referenced in Title 6 of the New York Codes, Rules and Regulations (6NYCRR) Part 750-2.9(c); and to protect private property and preclude County liability for damage claims by requiring backwater prevention valves; and adding that excess strength sewage surcharge rates may differ between sewer districts due to sewerage design features within a district.

Section 2. Amendments.

Chapter 740 of the Suffolk County Code is hereby amended to read as follows:

**ARTICLE I
Definitions**

§ 740-1. Definitions and word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

ACT - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code 1251, et seq..

ADMINISTRATIVE HEAD - The administrative head of any sewer district of the County of Suffolk as defined in the County Law.

ADMINISTRATOR - The administrative head of each and every County Sewer District; or the head of the unit of County government, if any, charged with the construction and operation of other County-owned sewer facilities; or their agents, servants, employees, representatives or designees, as the case may be and as the sense of a particular clause demands.

APARTMENT - A dwelling unit that is attached by common walls, floors, ceilings, etc., to one or more additional dwelling units or attached to a part of a building also containing a nonresidential use and shall include condominiums.

BACKWATER VALVE - a device used in drainage systems which permits the drain to flow in only one direction thereby preventing sewage from flowing back into a building.

BOD (denoting "biochemical oxygen demand") - The quantity of oxygen utilized in biochemical procedure (degradation of organic matter) in five days at 20° C., expressed in milligrams per liter.

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

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

BUSINESS - Engaging in making sewer connections for consideration of any kind.

CODE OF FEDERAL REGULATIONS (40 CFR) - Title 40 of the Code of Federal Regulations published in the U.S. Government publication, the Federal Register, which contains United States Government environmental regulations.

COLLECTION SYSTEM - A system of pipes normally found in streets into which the building sewer connects.

COMPATIBLE INDUSTRIAL WASTES - Liquid wastes from industry, commercial, trade or business processes, whether the same are from manufacturing or otherwise, as distinct from sewage, which contain no objectionable wastes and are amenable to adequate treatment and removal by the waste treatment processes existing at a sewage treatment plant.

COUNTY - The County of Suffolk or a County sewer district.

COUNTY SEWAGE WORKS - Any sewage works owned by the County or by a County sewer district.

DC – [Special permit] Discharge Certification permit authorizing a commercial, institutional or an industrial user to discharge.

DISCHARGE - An effluent or substance, or the act of unloading or emitting an effluent or substance directly or indirectly into all or part of a sewage works, as the sense demands.

DISCONNECT PERMITS - An authorization that a connection to the County sewage works is no longer needed or required.

DISTRICT - Any County sewer district created under Article 5-A of the County Law, as amended.

DOMESTIC WASTE - Liquid waste of the kind and nature normally emanating from a household residence.

DWELLING or DWELLING UNIT - Any place where an individual or individuals reside.

EXISTING SOURCE - any building, structure, facility or installation from which there is or may be the discharge of pollutants (objectionable, prohibited or limited wastes) which existed prior to the publication of proposed regulations prescribing a standard of performance under section 306 of the Act which would be applicable to such source if such standard is thereafter promulgated in accordance with section 306 of the Act.

FLOW EQUALIZATION - Shall have the meaning given to it by regulations of the Administrator.

GENERAL PERMITS - An authorization to connect or attach private dwellings into the County sewage works for the purpose of the discharge of such sewage.

HOUSE CONNECTION - Synonymous with "building connection" or "sewer stub" and shall mean the branch of pipe leading from the public sewer in the street toward the property line of the user.

INDIRECT DISCHARGE OR DISCHARGE - the introduction of pollutants and objectionable, limited or prohibited wastes into a POTW from any non-domestic source or industrial user regulated under Section 307 (b), (c), or (d) of the Act. Indirect discharges can be from commercial or industrial facilities whose wastes enter local sewers.

INDUSTRIAL USER OR USERS - a source of indirect discharge.

INDUSTRIAL WASTES - The liquid wastes from industrial, commercial, trade or business processes, whether the same are from manufacturing or otherwise and/or industrial users.

INSURANCE POLICY - Shall have the meaning assigned to it by the Insurance Law of the State of New York.

INTERFERENCE - a discharge which, alone or in conjunction with a discharge or discharges from other sources, both

- (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and

- (2) therefore is a cause of a violation of any requirement of the POTW NPDES (SPDES) Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Act, the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Recovery and Conservation Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

MUNICIPALITY - AS DEFINED IN 40CFR 122.2 - A municipality means a city, town, borough, County, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes; or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act.

MUNICIPAL LEACHATE - That liquid resulting from contact with or passage through a municipally owned solid waste landfill, bypass landfill or resource-recovery ashfill operated to applicable regulations which does not contain hazardous wastes or other materials which would characterize the liquid as an objectionable waste as defined in this Article.

MUNICIPAL SATELLITE COLLECTION SYSTEM - A sewer that meets ALL of the following:

- (1) is owned or operated by a "State" or "municipality" as defined in 40CFR 122.2;
- (2) is used to convey municipal sewage or industrial waste to a POTW treatment plant that has a SPDES permit (or is required to apply for a permit);
- (3) the owner or operator is not the owner or operator of the POTW treatment plant that has a SPDES permit.

NATIONAL PRETREATMENT STANDARDS - any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR Part 403.5.

NATURAL OUTLET - Any watercourse, lake, pond, ditch or other body of surface or groundwater water, or cesspools, storm sewers or combined sewers which overflow into a watercourse, lake, pond, ditch or other body of surface or groundwater. [It shall be synonymous with a "discharge point.]

NEW SOURCE - any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (1) (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same

site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1) (ii) or (1) (iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin as part of continuous onsite construction program:
 - (1) Any placement, assembly, or installation of facilities or equipment; or
 - (2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.

OBJECTIONABLE, PROHIBITED OR LIMITED WASTES:

- (1) Any waste which is or is deemed to be toxic to or incompatible with a treatment process or to receiving waters or is not amenable to treatment in County facilities or which causes the County sewage treatment plant (POTW treatment plant as defined in 40 CFR Part 403.3 (p)) to be in violation of its SPDES permit through interference, [or] pass-through of, or impact on air or sludge quality from, any waste received at the POTW treatment plant.
- (2) Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, grit, abrasives, metal filings or trimmings and the like.
- (3) Prohibited wastes as defined in 40 CFR 403.5 (b):
 - (a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR 261.21;
 - (b) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0;
 - (c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;

- (d) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
 - (e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 104 degrees Fahrenheit or 40 degrees Centigrade;
 - (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil, origin in amounts that will cause interference or pass through;
 - (g) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
 - (h) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (4) Any chemical, chemical compound or radioactive material which may pose a hazard or danger to County personnel or sewage works and any chemicals or chemical compound having the following nature or characteristics or having similar objectionable characteristics, such as alcohols, arsenic and arsenicals, cyanide, heavy metals and other metal finishing, process wastes or wastewaters, acid pickling wastes, mercury and mercurials, silver and silver compounds, sulfanamides, toxic dyes (organic or mineral), zinc, all strong oxidizing agents such as chromates, compounds producing hydrogen sulfide, methane, or any other toxic, inflammable or explosive gases either upon acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulfides, sulfites and the like, and inflammable or explosive liquids or solids.
 - (5) Any matter which contains viable pathogenic bacteria in quantities larger than normally encountered in raw domestic sewage, or any matter which can reasonably be expected to contain such viable pathogenic bacteria in such quantities.
 - (6) Industrial wastes containing solids which will precipitate greater than 300 parts per million upon acidification or alkalization or oxidation or reduction.
 - (7) Industrial wastes having a viscosity exceeding one and ten hundredths (1.10) poises (absolute viscosity) upon discharge or after acidification or alkalization.
 - (8) Industrial waste having a temperature upon discharge outside of the range of 32° to 150° F. In no case shall any discharge cause the influent temperature at the sewage treatment plant to exceed 104° F.
 - (9) Industrial waste having a color of an intensity in excess of 500 platinum-cobalt standard units, as determined under part 2120B [204A] of the 21st [15th] Edition of Standard Method for the Examination of Water and Wastewater. In testing such intensity, samples shall be diluted with distilled water to bring the range within 10 to 50 units and shall be judged on a basis of intensity or transmission of light rather than true color (platinum-cobalt standard).

- (10) Industrial waste having chemical characteristics in excess of the following limits:
- (a) Settleable solids (Imhoff cones test), one hour: in excess of 15 milliliters per liter maximum [Five-day twenty-degree-Celsius BOD: 300 parts per million maximum];
 - (b) Refer to Subsections 740-25 and 740-40. [Suspended solids: 300 parts per million maximum;]
 - [(c)] [Chlorine demand: 25 parts per million maximum;]
 - [(d)] [Settleable solids (Imhoff cones test), one hour: 15 milliliters per liter maximum;]
 - [(e)] [Hydrogen ion concentration (pH): five point five (5.5) to nine point five (9.5).]
- (11) Materials which exert or cause unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (12) Any water or waste containing free floating fats, wax, grease or oils in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150°F.
- (13) Garbage or other solid material that has [not] been [properly] shredded by a garbage disposal, food waste disposal, or other grinder mechanism [to a degree that all particles will be carried freely under the flow conditions normally prevailing in sewers, with no particle greater than 1/2 inch in any dimension].
- (14) Any waste, including business, commercial or industrial wastes, which exceeds allowable discharge levels as promulgated by the United States Environmental Protection Agency pursuant to Section 307(b) and (c) of the Federal Water Pollution Control Act and amendments, entitled "Industrial Pretreatment Requirements," and such other liquids, substances or materials that may be enumerated by the Administrator to be objectionable or toxic in accordance with 40 CFR Part 403.5 (a), (b) and (c).
- (15) Any material defined by the Administrator to have toxic or otherwise deleterious effect upon or to be incompatible with the sewage works, processes, equipment, groundwaters or watercourses.
- (16) Any material which creates or constitutes a public nuisance, including any noxious or malodorous liquids, gases, or solids, or other wastewater which, either singularly 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 maintenance and repair.
- (17) Any waste which does not conform to 40 CFR Part 403.5 (b) National Pretreatment Standards.
- (18) Unused, unneeded, or expired medications and prescription drugs.

ONE-YEAR DISCOVERY TERM - A surety bond, the terms of which shall include a provision that no lawsuit, action or claim shall be maintained on the bond unless commenced within a period of 12 months from the expiration date of said bond.

PARCEL - A plot of land as shown on the local tax map; a plot described in a deed of record, or in the County Clerk's Office; or one or more lots on undeveloped filed maps.

PASS-THROUGH - a discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the NPDES (SPDES) Permit (including an increase in the magnitude or duration of a violation).

PERSON - Any individual, partnership, firm, company, association, society, public or private corporation or group, institution or governmental entity.

pH - The logarithm of the reciprocal of the weight of hydrogen ions in moles per liter of solution.

POTW - Publicly Owned Treatment Works

PRETREATMENT - Any treatment process or processes required to produce a discharge compatible with a County sewage works and which will conform to both qualitative and quantitative requirements of these rules and regulations and be fully defined as specified in 40 CFR Part 403.3(q) and Pretreatment Requirement shall be defined as any substantive or procedural pretreatment requirement, other than a National Pretreatment Standard applicable to all Industrial Users and as fully defined in 40 CFR Part 403.3 (r).

PRIVATE DWELLING - Any detached building, trailer or mobile home used solely for residential purposes and containing not more than four (4) apartments or dwelling units.

PRIVATE SEWAGE WORKS - Any Non-County sewage works.

PRIVATE SEWER - Any sewer other than a public sewer.

PUBLIC SEWER - A sewer in which all the owners of abutting properties and others within a district or area have equal rights and which is controlled by the Administrator or any other public authority.

PUBLIC SEWER SYSTEM - Synonymous with "sewage works" and shall also mean Publicly Owned Treatment Works (POTW) in accordance with the definition as specified in 40 CFR Part 403.3 (o).

RECEIVING WATERS - A watercourse, a natural outlet or groundwaters.

SANITARY SEWER - A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SCAVENGER WASTE PERMIT - The authorization to discharge scavenger wastes into the County sewage works.

SCAVENGER WASTES - The liquid and waste solids contained in subsurface sanitary sewage disposal systems and appurtenances, waste sludges generated at sewage treatment plants and other similar wastes.

SEWAGE - Water-carried wastes from residences, institutions, businesses and commercial and industrial buildings and establishments, or a combination thereof, together with such ground, surface and stormwater as may be inadvertently present. The admixture of sewage with industrial wastes or other wastes shall also be considered "sewage" within the meaning of this definition.

SEWAGE TREATMENT PLANT - Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS - All facilities and appurtenances for collecting, pumping, treating and disposing of sewage, and shall be synonymous with Public sewer system and shall be synonymous with Publicly Owned Treatment Works (POTW).

SEWER - A pipe, conduit or pump for carrying sewage, and shall include interceptor, trunk and street lateral pipes and their related facilities and appurtenances.

SEWER CONNECTIONS - Synonymous with "house connections."

SIGNIFICANT INDUSTRIAL USER (SIU) - Any industrial or commercial discharger to County sewage works which meets the criteria specified in 40 CFR Part 403.3(t) which states: (i) All industrial users subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N; and (ii) any other industrial user that: (a) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); (b) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; (c) or is designated as such by the Control Authority as defined in 40 CFR Part 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR Part 403.8(f) (6)).

SIGNIFICANT NONCOMPLIANCE (SNC) - designates a condition of significant failure by an industrial user to meet applicable pretreatment requirements in accordance with the definition of SNC as described in 40 CFR Part 403.8(f) (vii) and described specifically as follows:

For the purposes of this provision, an industrial user is in SNC if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority (POTW) determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (vi) (B) of 40 CFR Part 403.8 to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedule.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations which the Control Authority (POTW) determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill, a non-customary batch discharge, or any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in any quantity or flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

SP - Special building sewer connection permit.

SPDES PERMIT - The State Pollutant Discharge Elimination System permit issued by the New York State Department of Environmental Conservation pursuant to Tables 7 and 8 of Article 17 of the Environmental Conservation Law.

SPECIAL PERMITS - The authorization to connect or attach into County sewage works in all instances other than those pertaining to [g]General [p]Permits and those pertaining to scavenger wastes for the purposes of discharge of sewage.

STORM SEWER - A pipe or device which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUMP PUMP - a pump to remove water from a collection pit, in such places as a basement, from which a discharge to the sewer system is illegal.

SURETY BOND - Shall have the meaning assigned to it by the Insurance Law of the State of New York.

SUSPENDED SOLIDS - Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

WATERCOURSE - A stream, river, creek, channel, harbor, bay or ocean of any kind in which a flow of water occurs, either continuously or intermittently.

B. The term "shall" is mandatory; "may" is permissive.

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**ARTICLE III
Construction Standards**

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§ 740-12 General specifications and conditions for sewer construction.

- A. Prior to granting approval for any sewer construction or connection, the Administrator may require the applicant to supply, at his own cost and expense, maps, plans, reports, specifications and other data which properly describe the proposed work. The applicant may be required to post bonds, undertakings, guaranties and insurance policies in forms and amounts acceptable to the Administrator to guarantee completion of the proposed work and restoration and to indemnify and save harmless the County of Suffolk and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work.
- B. No more than one premise, structure or building shall be serviced through a single building sewer or connection without the prior written approval of the Administrator.
- C. Building sewers, connections and sewers shall be constructed in a first-class workmanlike manner with approved materials, all to the satisfaction of the Administrator.
- D. Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures. Plumbing fixtures having flood level rims above the elevation of the manhole cover of the next upstream manhole in the public sewer shall not discharge through a backwater valve. Backwater valves shall be installed so that access is provided to the working parts for service and repair, and in accordance with Section 715 of the Plumbing Code of New York State.
- [D]E. A permit holder shall be responsible for maintaining and causing to be repaired or replaced, to the satisfaction of the Administrator, any and all County, municipal or utility facilities damaged or destroyed due to the construction of the building sewer or connection, including but not limited to pavements, curbs, sidewalks, trees, shrubs, telephone, water, gas and electric lines, storm sewers and sanitary sewers. After the installation of a building drain, building sewer, sewage pumping station, or connection, the owner and occupant of the premises shall be responsible for the maintenance thereof.
- [E]E. The Administrator is hereby authorized to promulgate, adopt and amend guidelines, specifications, rules and regulations for all sewer construction, additions, modifications and repairs of public sewers and building sewers. The guidelines, specifications, rules and regulations shall cover, among other things, construction and testing procedures and materials. A copy thereof shall be kept on file in the Administrator's office.

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**ARTICLE IV
PERMITS**

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§ 740-16 Application for permit.

- A. There shall be four classes of permits to connect to or use any part of the sewage works. Application for permits shall be made on printed forms to be prescribed and furnished by the Administrator. These permits shall be designated "general," "special," "disconnect" and "scavenger wastes discharge" permit.
 - (1) Applications for a general permit shall be signed by the fee owner of the premises affected or by his duly appointed agent or attorney in fact authorized, in writing, by such fee owner to make such application.
 - (2) Applications for a special permit (or modification of a special permit) or a disconnect permit shall be signed by the fee owner or by a lessee or occupant of the premises affected with written consent by the fee owner.
 - (3) Applications for a scavenger wastes discharge permit shall be signed by the owner of the vehicle to be used for the purpose of transporting the scavenger wastes for which a permit is desired.
- B. Any false or misleading statement in any application for a permit shall invalidate the permit and shall be deemed a violation of these rules and regulations.
- C. All functions or acts performed by the permittee in connection with or in reliance upon any permit shall be subject to inspections by and the rules and regulations of the Administrator and to ordinances and laws of the County and any other lawfully controlling municipal entity.
- D. No application for a permit or use of the facilities of a district will be approved or granted until all charges or arrearages, if any, due to the Administrator from such premises or applicant shall first have been paid, unless such charges or arrearages are, in the discretion of the Administrator, waived.
- E. Applications for special and general permits shall be considered void if sewer construction has not progressed sufficiently, as determined by the Administrator, within three years of submission.

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§ 740-19 Special Permits

- A. SPs shall be required for multiple-family, institutional, commercial and industrial facility sewer connections to County sewage works or to building sewer or to its appurtenances. [The purpose of a DC is to identify, regulate and monitor the introduction of toxic, hazardous, objectionable and excess strength discharges to the County sewage works from Significant Industrial and all other Industrial/Commercial users.] Applications for SPs may require information required to characterize the proposed waste discharge.

- B. DCs shall be required for all industrial, commercial and institutional users. The purpose of a DC is to identify, regulate and monitor the introduction of toxic, hazardous, objectionable and excess strength discharges to the County sewage works from Significant Industrial users and all other Industrial/Commercial/Institutional/ users. DCs shall be issued to a specified property owner or a specific user for a specific operation. Such DCs shall be assignable only with the written consent of the Administrator. Applications for [SPs and] DCs may require information required to characterize the proposed waste discharge.
- C. In each instance where a SP is required, it shall be unlawful to undertake sewer construction, to connect or attach to sewage works or to discharge any sewage, effluent or substance directly or indirectly into a sewage works without first having secured such SP, notwithstanding the fact that the person may have obtained a general permit or a related permit from another municipal entity having some jurisdiction in the matter. If separate SPs are issued to both a landlord and a lessee or occupant affecting the same premises, the landlord may assign his SP to a subsequent owner of the premises without consent of the administrator. Written notice of such assignment by certified or registered mail shall be sent to the Administrator by the subsequent owner within five days of such assignment. Any succeeding owner of the premises shall be bound by and comply with the terms and conditions of the SP so transferred.
- D. DCs will be issued for a time period not to exceed five years. Every holder of a DC shall [may] apply for renewal not less than 90 days prior to the expiration of the holder's existing DC. The terms and conditions of the DC shall be subject to modification by the Administrator during the term of the DC if limitations, conditions or requirements identified elsewhere in these rules and regulations occur or exist. The holder shall be informed of any proposed changes in his DC at least 30 days prior to the effective date of change unless a violation requires immediate termination. Any changes or new conditions in the DC shall include a time schedule for compliance and an opportunity for the holder to obtain a hearing on the proposed change from the Administrator.
- E. A DC may be declared suspended, invalid, revoked or void upon the occurrence of any of the following:
- (1) Making a false or misleading statement in the application for a SP or DC.
 - (2) Violation by the DC holder of any of the conditions prescribed in his DC.
 - (3) Any change in either the DC holder's business or processes which change the quality or quantity of the DC holder's effluent discharge to a County Sewage works.
 - (4) Violation by the DC holder of any provision of these rules and regulations.
- F. If the DC holder anticipates a change in either the quality or quantity of effluent discharge under a DC, the DC holder [he] shall, at least 60 days prior to the anticipated change, inform the Administrator in writing and request a reevaluation of the anticipated discharge and a modification of the [his] DC, if necessary. The Administrator may, after investigation, approve the continuance of the existing DC, deny said request, or issue an amended DC with additional conditions. In no event shall the DC holder change the quality or quantity of the discharge prior to obtaining a valid DC therefor.
- G. Any DC holder, person or industrial user shall immediately notify the Administrator of any situation or changes that occur at their facility which may or does result in a slug

discharge or a discharge which is in non-compliance with or in violation of the provisions of these rules and regulations or results in hazardous or dangerous conditions to the general public, personnel of the Administrator and/or the County sewage works.

- H. Any industrial user shall notify the Administrator, the United States Environmental Protection Agency Regional Waste Management Division Director, and New York State hazardous waste authorities in writing of any discharge into the County sewage works of a substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261. Such notification must be made in accordance with the provisions contained in 40 CFR Part 403.12 (p) (1), (2), (3) and (4) and must be accompanied by the certification as specified in § 424-24B(5).
- I. DC holders may be required to collect samples from their discharges to the County sewage works at regular intervals for analysis and reporting to the Administrator. By reference, 40 CFR 403.12 and amendments, with its reporting requirements, shall be considered part of these rules and regulations, and, as such, the Administrator may require any or all reports indicated therein from industrial users subject to applicable federal pretreatment standards as specified under and pursuant to 40 CFR Part 403. In addition, monitoring facilities, such as sampling/flow-measurement manholes, may be required by the Administrator where he deems necessary.
- J. All DC holders subject to this Article shall retain and preserve, for not less than three years, or other appropriate time period deemed necessary by the Administrator, New York State Department of Environmental Conservation or United States Environmental Protection Agency, all records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to industrial waste removal, pretreatment unit maintenance, and the monitoring, sampling and chemical analysis of their discharge. All records which pertain to matters which are the subject of administrative action or any other enforcement or litigation activities shall be retained and preserved by such persons until all enforcement activities have concluded and all periods of limitation with respect to appeals have expired. The Administrator and/or representatives of the New York State Department of Environmental Conservation or the United States Environmental Protection Agency shall be allowed to inspect and/or copy any of the above-referenced records as necessary.
- K. Information and data pertaining to an industrial user and any DC issued thereto obtained from applications, permits, monitoring programs and inspections shall be available to the public or any government agencies without restriction unless the industrial user specifically requests otherwise and is able to demonstrate to the satisfaction of the Administrator that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user. When required by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets shall be confidential but shall be made available upon written request to governmental agencies for uses related to these rules and regulations and/or pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Sewage and Industrial Waste constituents and characteristics will not be recognized as confidential information.

* * * *

740-21. Scavenger waste discharge permits.

- A. The Administrator is hereby authorized, empowered and directed to issue permits to scavenger waste collectors and carters, [from inside or outside a district,] on such terms and conditions as to him may seem reasonable, proper and in the best interests of the district; and, unless exceptions are granted by the Administrator, only scavenger wastes generated within the County shall be discharged at the permitted County sewage works. The discharge of acceptable scavenger wastes into County sewage works shall be permitted only after the issuance of scavenger waste discharge permit by the Administrator. The applicant must first have obtained a valid New York State Department of Environmental Conservation industrial waste hauler and septic tank cleaner registration. The termination, cancellation or revocation of such state permit shall constitute an automatic simultaneous cancellation termination and revocation of any permit issued by the Administrator.
- B. The approved discharge of scavenger wastes shall be made only at locations designated on the permit or as may, from time to time, be redesignated by the Administrator.
- C. The Administrator shall after public notice and hearing, establish and adopt a schedule of charges and fees for scavenger waste discharge and treatment. A schedule of such charges and fees or amendments hereto shall be kept on file in the Office of the Administrator.
- D. Discharge of any objectionable wastes into County sewage works is prohibited and shall constitute a violation of these rules and regulations. The Administrator shall direct the wastehauler to cease the discharge and may require such objectionable wastes to be impounded or tested, or both, and to be transported, at the cost and expense of the carrier, to an appropriate holding or disposal facility located either inside or outside Suffolk County. Failure of a permit holder thereafter to produce a valid receipt indicating proper disposal of the rejected objectionable wastes or fail to comply with the Administrator's directive shall result in the revocation of any Suffolk County scavenger waste discharge permit held by the carrier.
- E. A copy of a valid scavenger waste discharge permit must be on or in the scavenger vehicle and produced and displayed upon request.
- F. Discharge of any objectionable wastes, prohibited wastes, limited wastes, industrial wastes, treated sewage or untreated sewage, into any natural outlet within the boundaries of a County sewer district, or within areas outside the boundaries of a County sewer district but covered by or served by contractees of such sewer district, or into a manhole of a public sewer, either of which is located within the boundaries of a County sewer district, or within areas outside the boundaries of a County sewer district but covered by or served by contractees of such sewer district, is prohibited. Conviction of any person holding a permit from the Administrator as a scavenger waste collector and carter for such unlawful discharge into any such natural outlet or manhole of a public sewer shall result in the automatic revocation of such scavenger waste discharge permit held by the carrier for six-months.

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ARTICLE VII
Sewer Charges, Assessments and Fees

* * * *

§ 740-40 Surcharges.

A surcharge may be imposed for the privilege of discharging any sewage, compatible industrial or other wastes which, although approved for acceptance into the works, have characteristics which exceed the maximum values or strengths defined by the Administrator for such characteristics when found in normal sewage or wastes. Surcharge rates may differ between districts pursuant to individual treatment plant design. In no event shall a surcharge be applicable in lieu of conformance to Federal General Pretreatment Regulations (40 CFR Part 403), federal categorical pretreatment standards or Suffolk County sewer discharge concentration limits. Owners of business, commercial and industrial properties shall submit data characterizing the water flow rates and constituents of sewage and industrial waste discharged. The Administrator may require such additional chemical and hydraulic evaluations of business, commercial and industrial discharges deemed by him to be necessary to determine the number of dwelling unit equivalents for such applicants. Such evaluations shall, if necessary, be performed at the cost and expense of the applicant. In the absence of complete or actual flows and data, the Administrator may determine the surcharge and cost recovery charge, if any, and assign an appropriate number of dwelling unit equivalents to the premises in question on the basis of available facts and established technical standards.

* * * *

ARTICLE VIII
GENERAL PROVISIONS

* * * *

§ 740-45 Connection by premises outside district.

- A. The Administrator is hereby authorized and empowered to consider applications for connections to a County sewer district facility by businesses, industries and other users from outside the geographical boundaries of a district and to negotiate contracts and agreements with those businesses, industries and users as he deems appropriate upon such terms and conditions as to him may seem reasonable and proper to protect the best interests and to accrue to the financial benefit of the district, including but not limited to provisions intended to relieve a district of the full burden of maintenance and capital costs, present or future, if any, attributable to and that might result from such contractual connections, and including the filing of a surety bond or the deposit of cash or securities with the County Treasurer or the giving of every guaranty to the district to ensure the performance of said agreements and contracts, and the costs, if any, to a district relating thereto will be offset by payments from the owner and will not constitute an undue burden upon the property within said district, subject to the provisions of § 740-38 of this chapter and the charges imposed thereunder.
- B. The Administrator, when considering applications for connection to a County sewer district facility by businesses, industries and other users from outside the geographical boundaries of a district, shall first make a determination that the connection is in the best interests of the residents of the district and the citizens of the County of Suffolk, and shall consider each of

the following factors in making the determination:

- (1) The environmental impact of the proposed connection;
- (2) The tax impact of the proposed connection on the affected sewer district;
- (3) Whether the applicant can demonstrate that an economic benefit will accrue either through an increase in jobs or an increase in tax revenue to the County, as a result of the sewer connection;
- (4) Whether there is adequate capacity within the affected sewer district to absorb the outside connection;
- (5) Whether the proposed application shall provide an economic benefit to the area; and
- (6) If the proposed connection is for a residential development whether the applicant has incorporated affordable housing units within the development.

C. Affordable housing considerations.

- (1) No contract between the Administrator and an applicant from outside the geographical boundaries of a district may be entered into unless, in the case of a residential housing development or a development that includes a residential component, which consists of 10 or more units only, the housing development or component is comprised of no less than 20% of units that are set aside for homebuyers or renters whose income does not exceed 120% of the HUD-established median income limit for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA) adjusted by family size.
- (2) Prior to the approval of a contract with the Administrator, the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing shall be provided with such documentation and certification as he or she deems necessary in order to certify that the requirements outlined in Subsection B(1) of this section are being complied with.
- (3) Upon approval of a contract with the Administrator, a covenant shall be filed on the deed of those units that are required to be set aside pursuant to Subsection B(1) of this section, which covenant or covenants shall contain the following restrictions:
 - (a) Said unit or units shall be restricted for use as affordable housing units, defined for purposes of this section as meaning units which are set aside for homebuyers or renters whose income does not exceed 120% of the HUD-established median income limit for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA) adjusted by family size, for a period of 15 years from the date of filing of the covenant or covenants;
 - (b) Said unit or units shall remain the principal residence of the individual or individuals who occupy the unit or units during the fifteen-year restriction described above;
 - (c) All covenants filed pursuant to this section shall be in a form approved by the Suffolk County Attorney.

- D. Any contracts or agreements negotiated by the administrative head of any Suffolk County sewer district shall be subject to the final review, approval and ratification of the Suffolk County Legislature.
- E. Contracts for connection of out of district areas meeting the definition of a Municipal Satellite Collection System shall be in compliance with New York State Department of Conservation regulations as amended if applicable.

* * * *

§740-49 Sewer Connection Moratorium.

In the event the Administrator determines that the effluent discharge from a publicly owned treatment works has exceeded a SPDES permit limit for Biochemical Oxygen Demand or Ultimate Oxygen Demand for any four or more months during two consecutive calendar quarters, or a SPDES permit limit for total Suspended Solids for any four or more months during two consecutive calendar quarters, then, and in accordance with the provisions of Part 750-2.9(c) of Title 6 of the New York Codes, Rules and Regulations (6 NYCRR), an immediate moratorium on additional sewer connections to the affected sewer district shall be imposed and the further approval of sewer connections to the affected sewer district shall cease immediately.

* * * *

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c) (20), (27), and (31) of Title 6 of the NEW YORK CODES, RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

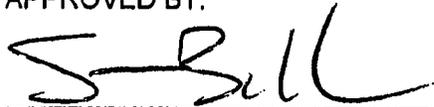
This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletions.

— Underlining denotes additions.

DATED: August 21, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 9.18.2012

After a public hearing duly held on September 5, 2012

Filed with the Secretary of State on October 1, 2012

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 21, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1685

Res. No.

772

August 21, 2012

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO				/	
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.				/	
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.				/	
	Totals	15	—		3	—

MOTION
<input checked="" type="checkbox"/> Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ___
___ Override Veto
___ Close
___ Recess
APPROVED <input checked="" type="checkbox"/> FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote