

# **Master Plan Update 2016 Volume 2 – Program Elements 2 - 6**

**FINAL**



**City of Olean  
Olean, New York**

**September 2016**

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## LIST OF ACRONYMS/ABBREVIATIONS

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BFP	Belt Filter Press
BOD	Biochemical Oxygen Demand
GIS	Geographic Information System
GST	Gravity Sludge Thickener
HVAC	Heating, Ventilation And Air Conditioning
IFAS	Integrated Fixed Film Activated Sludge
I/I	Infiltration And Inflow
lbs/day	Pounds Per Day
MBBR	Moving Bed Biofilm Reactor
MCC	Motor Control Center
mgd	Million Gallons Per Day
mg/L	Milligrams Per Liter
mL	Milliliter
NYSDEC	New York State Department of Environmental Conservation
O&M	Operations And Maintenance
RDT	Rotary Drum Thickener
SPDES	State Pollution Discharge Elimination System
SUO	Sewer Use Ordinance
TKN	Total Kjeldahl Nitrogen
TOGS	Technical & Operational Guidance Series
TSS	Total Suspended Solids
VFD	Variable Frequency Drive
WAS	Waste Activated Sludge
WWTP	Wastewater Treatment Plant

### **Acronyms**

City	City of Olean
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## INTRODUCTION

### 1.0 BACKGROUND

In February 2003, the City of Olean (City) entered an Order on Consent with the New York State Department of Environmental Conservation (NYSDEC) for State Pollution Discharge Elimination System (SPDES) permit violations that occurred at the wastewater treatment plant (WWTP) from January 1998 through February 2000. The violations occurred due to excessive wet weather flows and included excursions for settleable solids, total suspended solids (TSS) and biochemical oxygen demand (BOD) as shown on Table 1.

**Table 1: SPDES Permit Violation Categories**

Parameter	Violation
Settleable Solids	Daily maximum of 0.3 mL/L
TSS	7-day average concentration of 45 mg/L
	7-day average loading of 2,625 lbs/d
	30-day average loading of 2,625 lbs/d
BOD	7-day average concentration of 45 mg/L
	30-day average concentration of 30 mg/L
	7-day average loading of 2,625 lbs/d
	30-day average percent removal of 85%

The Order on Consent established Action Items and a Schedule of Compliance. These Action Items included submittal and implementation of a sewer system assessment plan to address collection system monitoring and maintenance as well as enforcement of the City's existing Sewer Use Ordinance (SUO), pump station assessments, and a wet weather operating plan. It was determined that these Action Items were insufficient to meet SPDES permit compliance. As a result, the City was required to submit an Engineering Report and schedule for additional remediation work to achieve compliance. The 2005 Final Draft Master Plan (Malcolm Pirnie, Inc., 2005) was developed to fulfill this requirement by establishing goals, actions and projected outcomes of six major program elements:

- Treatment Plant Improvements
- Interceptor Improvements
- Pump Station Improvements
- Sanitary Sewer System Asset Management
- Storm Sewer Asset Management
- Sewer Use Ordinance Enforcement

### REPORT FORMAT

This report, initially completed in 2014 and revised in 2016, provides the status of the 2005 Master Plan action items and recommends revised actions to meet Order on Consent requirements. It is divided into two standalone volumes: Volume 1 contains a status update of Program Element 1 – Treatment Plant Improvements whereas Volume 2 provides an update of Program Elements 2 through 6. As an update document, information contained in previous documents including the 2005 Master Plan, Wet Stream Basis of Design (Malcolm Pirnie,

Inc., 2010), and the WWTP Solids Handling Evaluation (Malcolm Pirnie, Inc., 2010) are incorporated by reference and not reiterated here.

Volume 1 was accepted by the NYSDEC and the City is currently implementing the approved improvements at the WWTP with an anticipated June 2017 completion date.

Volume 2 was updated in 2014 and the NYSDEC had several comments related to status of program elements particularly modifications to the City's Sewer Use Ordinance. This version, addresses the comments outlined by the NYSDEC through letter to the City dated December 11, 2015 and will serve as the basis of long term planning for infrastructure needs.

## SUMMARY OF PROGRESS

In general, the City is meeting the schedule for Program Elements 2 through 5 and has made significant progress in implementing Program Element 6. After a recent meeting with the City on March 23, 2016, O'Brien & Gere has re-prioritized the list of tasks to reflect the City's comments.

As part of the Master Plan Update, the City retained O'Brien & Gere to identify revised actions that would enable the City to comply with the Order on Consent for Program Element 1 - Treatment Plant Improvements. The original actions are presented in detail in Volume 1. Final design for the Treatment Plant Improvements was completed in 2015 and awarded for construction. O'Brien & Gere is continuing to provide support throughout the construction phase of the project, which is expected to complete in 2017.

Implementation of Program Element 1 required a major capital investment from the City and thus reduced funding availability for remaining capital improvements for the near term. As detailed in the following pages, implementation of larger capital improvements have been scheduled to start in 2017 after the Treatment Plant Improvements are completed.

## 2.0 METHODOLOGY

The goal of this Master Plan Update is to review the status of Program Elements 2 through 6 and recommend revised actions for complying with Consent Order requirements. To achieve this, each program element was evaluated using the following approach:

- Program element objectives, actions and projected outcomes as identified in the 2005 Master Plan and revised through the Wet Stream Basis of Design (Malcolm Pirnie, Inc., 2010), and the WWTP Solids Handling Evaluation (Malcolm Pirnie, Inc., 2010) were reviewed with City staff.
- Historical operational data from 2005 to 2015, with the exception of 2007 data, were obtained. 2007 data were unavailable for review.
- The status of each action was discussed with City staff to determine completeness of the actions and priority.
- For completed actions, the effectiveness of the action was established by comparing the actual outcome with the action's objective. Effective actions were considered to be complete and are identified as such.
- Ineffective actions were further evaluated by identifying deficiencies that hindered implementation or compliance with the Order on Consent and establishing approaches for advancing the actions to completion.
- For WWTP rehabilitation items numerous improvement options were identified through site visits and discussions with the operators at the Treatment Plant. Of those process options, the following were further developed during final design and are currently being implemented through construction, scheduled to finish in February 2017:
  - » Main Pump Station improvements, including replacing the influent screens and pumps and improving the existing grit chambers with a new grit classifying system.
  - » New internal components and clarifier drives for Primary and Secondary Clarifiers

- » Replacement of the existing aeration system with an IFAS system.
- » Replacement of the return activated sludge pumps and construction of a new gravity sludge thickener.
- » Construction of a new Solids Handling Building with a new higher capacity belt filter press.
- » Construction of a plant water system consisting of vertical turbine pumps and a plant water booster pump skid.
- » Replacement of the digester covers.
- » Miscellaneous improvements including replacing slide gates, piping, valves, etc.
- Baseline costs were developed for the recommended capital and operations and maintenance (O&M) improvements.
- Based on the results of the steps outlined above, recommendations for future actions, prioritizing projects, and schedules were developed to guide the City in implementing the revised actions so that Order on Consent requirements could be achieved in a manner that is within the City's ability.

### 3.0 PROGRAM ELEMENT 2: INTERCEPTOR IMPROVEMENTS

The interceptor improvement program is intended to evaluate, rank and rehabilitate sewers greater than 12 inches in diameter. During the development of the 2005 Master Plan, prioritization of interceptor rehabilitation was based on risk of catastrophic failure. Interceptors were categorized in one of three tiers with first tier interceptors scheduled for immediate rehabilitation. Priority of rehabilitation was revisited by O'Brien & Gere and the City in March 2016 and the schedule was revised.

#### STATUS UPDATE

The City has successfully completed all tasks that were scheduled to be completed by the end of 2015 and began work on some miscellaneous work originally scheduled to begin in 2018. The status of all program element 2 components is shown on Table 2.

**Table 2: Status of Interceptor Improvements Identified in the 2005 Master Plan**

Description of 2005 Master Plan Component		Status (Schedule based on 2005 Master Plan)
<b>2a</b>	First Tier Priority Interceptor Projects	
<b>2a1</b>	Two- Mile	<b>Task Completed.</b> The cost expended by the City was \$4.5M, including design and construction.
<b>2a2</b>	Third Street	<b>Task Completed.</b> The cost expended by the City was \$85,000 for materials only.
<b>2a3</b>	Dyke Sewer (East Olean)	Scheduled to start in 2016.
<b>2a4</b>	Miscellaneous manhole to manhole replacements	<b>Ahead of schedule: Work began in 2015</b> <b>Items Completed:</b> <ul style="list-style-type: none"> <li>• 500 feet on Brookview Avenue</li> </ul>

Description of 2005 Master Plan Component		Status (Schedule based on 2005 Master Plan)
<b>2b</b>	Second Tier Interceptor Improvement Projects	
<b>2b1</b>	North Union Street Sewer (Main to railroad)	<b>Task Resolved.</b>
<b>2b2</b>	Sullivan/Canal/Reed Sewer	Design scheduled to start in 2022
<b>2b3</b>	Canal/Shawmut Y Sewer (Shawmut pump station to 4 <sup>th</sup> Street pump station)	Design scheduled to start in 2024
<b>2b4</b>	West State Street sewer (Western City limit to 17 <sup>th</sup> Street)	Design scheduled to start in 2026
<b>2b5</b>	Ohio Street and East River Drive	Design scheduled to start in 2028
<b>2b6</b>	Connell, Buffalo and 10 <sup>th</sup> Street sewers	<b>Task Resolved in 2015.</b>
<b>2b7</b>	36" and 42" Dyke sewer rehabilitation (W. Olean)	Task re-prioritized. Design scheduled to start in 2020.
<b>2b8</b>	New siphon under Allegheny River	Task re-prioritized. Investigation and Study scheduled to start in 2018.
<b>2b9</b>	New Pratt's Brook sewer	Scheduled to start in 2034
<b>2b10</b>	North Union Sewer	Scheduled to start in 2030
<b>2b11</b>	13 <sup>th</sup> Street Sewer	Scheduled to start in 2032
<b>2c</b>	Long-term Interceptor Rehabilitation Projects	Design scheduled to start in 2036

### SUMMARY OF SYSTEM NEEDS

In addition to those already specified in the 2005 Master Plan, the City identified two additional sewers for the rehabilitation program. These sewers are listed as the North Union Sewer, which extends along the North Union Street Extension and connects to the North Union Pump Station, and the 13<sup>th</sup> Street Sewer, which runs from approximately the Buffalo Street/Constitution Ave intersection, down 13<sup>th</sup> Street to W. State Street. Both sewers are assumed to be vitrified clay pipe (VCP). These sewers were added to Table 3 below.



### UPDATED RECOMMENDATIONS

Based on discussions with the City, they will continue to progress on the schedule developed for the 2005 Master Plan by continually addressing interceptor rehabilitation as shown on Table 3. The City identified the Dyke Sewer in East Olean (Item 2a3), the new siphon under the Allegheny River (Item 2b8) and the Dyke Sewer rehabilitation (Item 2b7) as the top three priorities, respectively. As discussed in Section 5 of this report, pipelines will be inspected annually and the schedule listed in Table 3 is to be updated by the City based on the changing conditions noted in the inspections from the previous year. The dates listed in Table 3 are therefore subject to change.

Additionally, the estimated costs developed for the 2005 Master Plan were updated as part of the 2016 Master Plan Updates and are based on rehabilitation of the sewers only. These costs are expected to increase with inflation rates.

**Table 3: Updated Interceptor Improvements Recommendations and Schedule**

Item		Schedule		Estimated Cost
		Start Date	End Date	
2a	First Tier Priority Interceptor Projects			
2a3	Dyke Sewer (East Olean)	2016	2017	\$990,000
2a4	Miscellaneous	2015	2018	\$1,220,000
2b	Second Tier Interceptor Improvement Projects			
2b2	Sullivan/Canal/Reed Sewer	2022	2023	\$1,150,000
2b3	Canal/Shawmut Y Sewer (Shawmut pump station to 4 <sup>th</sup> Street pump station)	2024	2025	\$689,000
2b4	West State Street sewer (Western City limit to 17 <sup>th</sup> Street)	2026	2027	\$769,000
2b5	Ohio Street and East River Drive	2028	2029	\$363,000
2b7	36" and 42" Dyke sewer rehabilitation (w. Olean)	2020	2021	\$1,254,000
2b8	New siphon under Allegheny River	2018	2019	\$120,000
2b9	New Pratt's Brook sewer	2034	2035	\$890,000
2b10	North Union Sewer	2030	2031	\$427,000
2b11	13 <sup>th</sup> Street Sewer	2032	2033	\$518,000
2c1	Long-term Interceptor Rehabilitation Projects	2036	2037	To be determined
2c2	Long-term Interceptor Rehabilitation Projects	2041	2042	To be determined

#### 4.0 PROGRAM ELEMENT 3: PUMP STATION IMPROVEMENTS

Pump station improvements are intended to rehabilitate existing pump stations and implement energy efficiency measures. During development of the 2005 Master Plan, reconstruction of the East Olean pump station was identified as a priority improvement because it would increase system capacity and reduce likelihood of sanitary sewer overflows and basement backups. Other, non-specified, improvements were to be determined based on the results of a system-wide evaluation.

##### STATUS UPDATE

The City has completed most of the tasks that were scheduled for completion by the end of 2012 as shown on Table 4. The City has not performed a formal system-wide consolidation needs and energy savings study (item 3b) as specified in the 2005 Master Plan due to lack of funding, however, they have performed in-house reviews of their pump stations and therefore, are making progress in meeting the intent of this item. The City has identified rehabilitation needs at the 4<sup>th</sup> Street, Martha Street and Independence Drive pump stations and has performed upgrades at each of these pump stations.

**Table 4: Status of Pump Station Improvements Identified in the 2005 Master Plan**

Description of 2005 Master Plan Component		Status
<b>3a</b>	East Olean Pump Station	<b>Task Completed.</b> <ul style="list-style-type: none"> <li>Includes new diversion sewer at New Orchard, Rowland, and RR sewer to separate flows.</li> </ul>
<b>3b</b>	System-wide Consolidation, Needs, and Energy Savings Study	<b>Intent of Task Partially Completed.</b> <p><b>Items completed:</b></p> <ul style="list-style-type: none"> <li>4<sup>th</sup> Street pump station review</li> <li>Martha Street pump station review</li> <li>Independence Drive pump station review</li> </ul>
<b>3c</b>	Pump Station Improvement Projects	<b>Task Partially Completed.</b> <p><b>Items completed:</b></p> <ul style="list-style-type: none"> <li>4<sup>th</sup> Street pump station was upsized from two 12-hp pumps to one 15 hp and two 25-hp pumps in 2012. Variable frequency drives (VFDs) were added.</li> <li>Martha Street pumps replaced in-kind along with high efficiency motors and VFDs</li> <li>Design and upgrades at Independence Drive pump station completed in 2013.</li> </ul>
<b>3d</b>	On-going Maintenance	<b>Task is ongoing discussed below in Updated Recommendations</b>

##### SUMMARY OF SYSTEM NEEDS

Based on knowledge of the pump station conditions and needs, the City has identified that the items shown below need to be addressed to complete this Program Element. These items were suggested in broad terms in

the 2005 Master Plan but have evolved into specific action items. They have not yet been performed due to their lower priority and limited funds.

- Conduct energy efficiency study to put VFDs in the remaining pump stations.
- Evaluate the potential to eliminate 15<sup>th</sup> and Martha Street pump stations. Previous work has identified that once the new Pratt's Brook sewer is installed, the Martha Street pump station will be eliminated. The Pratt's Brook sewer is scheduled to be installed in 2032.
- Evaluate the physical condition of 15<sup>th</sup> Street and South Olean pump stations for ongoing maintenance needs.
- Continued on-going maintenance of all pump stations

## UPDATED RECOMMENDATIONS

Based on the system needs, recommendations were identified and scheduled as shown on Table 5. Pump station improvement projects were further refined into smaller tasks and scheduled to occur at a later date than that identified in the 2005 Master Plan due to their lower priority. Although implementation of these items may offer some cost savings to the City, they are not critical and the return on investment may take several years to realize. By delaying these items, the City can focus its limited resources on meeting the Order on Consent.

OBG and the City inspected and assessed the condition of 11 pump stations serving the City. Pump station systems or improvements reviewed under this task include:

- Site security
- Pump reliability and backup equipment or power
- Condition of the concrete structure
- Any variation within the structure in need of rehabilitation

Condition Summary provides a priority of recommendation for each structure in terms of items that should be replaced or rehabilitated. The items that O'Brien & Gere assessed as critical or high priority are those that can cause potential safety hazards. These items should be replaced or rehabilitated within the next two years. The pump station components that require repair but don't impose any safety hazard or risk are categorized as medium priority. It is recommended that these components are replaced within the next five years. Lastly are those structures that are in relatively good shape and are the lowest priority to repair. These pump stations should be inspected in another 7-10 years and their condition reassessed. The results of each inspection and condition assessment are summarized below.

**Table 5: Sanitary Pump Station Condition Summary**

PUMP STATION	HIGH PRIORITY	MEDIUM PRIORITY	LOW PRIORITY
<b>Hoop Street Pump Station</b>			<ul style="list-style-type: none"> <li>■ Address stormwater in valve vault</li> </ul>
<b>Independence pump Station</b>			<ul style="list-style-type: none"> <li>■ Check valve replacement</li> </ul>
<b>Martha Ave. Pump Station</b>			<ul style="list-style-type: none"> <li>■ Check valve replacement</li> <li>■ Exterior concrete surface repairs</li> </ul>
<b>North Olean Pump Station</b>			<ul style="list-style-type: none"> <li>■ Exterior concrete surface repairs</li> </ul>
<b>N. 15<sup>th</sup> Street Pump Station</b>		<ul style="list-style-type: none"> <li>■ Replace wet well access hatch</li> </ul>	

PUMP STATION	HIGH PRIORITY	MEDIUM PRIORITY	LOW PRIORITY
Shawmut Pump Station		<ul style="list-style-type: none"> <li>Replace wet well access hatch</li> </ul>	<ul style="list-style-type: none"> <li>Exterior concrete surface repairs</li> <li>Replace wet well valve and ladder</li> </ul>
S. 4 <sup>th</sup> Street Pump Station	<ul style="list-style-type: none"> <li>Site security and vandalism are an issue</li> </ul>	<ul style="list-style-type: none"> <li>Provide backup power</li> </ul>	
S. 26 <sup>th</sup> Street Pump Station	<ul style="list-style-type: none"> <li>Replace wet well access hatch</li> </ul>	<ul style="list-style-type: none"> <li>Pump replacement</li> <li>Replace piping and valves</li> </ul>	
South Olean Pump Station		<ul style="list-style-type: none"> <li>Wet well size reduction</li> <li>Pump replacement</li> <li>Isolation and check valve replacement</li> </ul>	

Table 6: Storm Pump Station Condition Summary

PUMP STATION	HIGH PRIORITY	MEDIUM PRIORITY	LOW PRIORITY
Buffalo Street Pump Station		<ul style="list-style-type: none"> <li>Replace pump equipment</li> </ul>	
Martin Street Pump Station		<ul style="list-style-type: none"> <li>Replace wet well access hatch</li> </ul>	

## 5.0 PROGRAM ELEMENT 4: SANITARY SEWER ASSET MANAGEMENT

The sanitary sewer asset management program is intended to quantify and document the condition and value of the City's sanitary sewer system. This program includes all sewers in the City, including, but not limited to, those identified in Program Element 2. The program is comprehensive in scope and includes physical assets such as infrastructure and equipment as well as personnel. The goal of this program element is to enable the City to prioritize rehabilitation projects based on likelihood of failure and the impact of that failure with respect to infrastructure, economics, the community and the environment.

### STATUS UPDATE

As shown in Table 7, the City has completed all of the items scheduled for completion by 2012. All of the sanitary sewers, as well as other system assets including the water and storm sewer systems, have been mapped using a geographic information system (GIS) and entered into an asset management database. This database allowed staff to identify immediate sanitary sewer rehabilitation needs in East Olean. As a result, the City has rehabilitated sanitary sewers on State, Front and Kings Streets and Garden Avenue.

Table 7: Status of Sanitary Sewer System Asset Management Program Components Identified in 2005 Master Plan

Description of 2005 Master Plan Component	Status
4a Geographic Information System (GIS) and	Task Completed.

Description of 2005 Master Plan Component		Status
	Mapping Technology Development	
4b	Rehab/Reconstruction of Local Sewer System	<b>Additional rehab/reconstruction – scheduled for 2016 through 2045</b>
		<b>Items Completed:</b> Rehabilitation of East Olean sewers including <ul style="list-style-type: none"> <li>• State Street from Front to King Streets</li> <li>• Front Street: 100 block</li> <li>• King Street: 100 and 200 blocks</li> <li>• Garden Avenue: all</li> </ul>
4c	Staff Adjustment to Match Needs (New Hires)	<b>Task Addressed by Alternate Means</b> <ul style="list-style-type: none"> <li>• Short-term WWTP staffing needs are met by scheduled, reallocation of staff from other City departments</li> </ul>
4d	Collection System Capital Equipment Purchases	<b>Ongoing Task:</b>
		<ul style="list-style-type: none"> <li>• Replacement of existing forklift</li> </ul> <b>Items Completed:</b> <ul style="list-style-type: none"> <li>• Purchased one Vactor truck and leasing one Vac-Con</li> <li>• Replaced one aging truck and one aging van with two new similar vehicles</li> <li>• Added a John Deere tractor</li> <li>• Eliminated one air compressor and one car from the fleet</li> </ul>
4e	On-going Investigation and Maintenance	<b>Ongoing Task:</b> <ul style="list-style-type: none"> <li>• Continued maintenance of items 4b and 4d</li> </ul> <b>Items Completed:</b> <ul style="list-style-type: none"> <li>• see items identified in 4b and 4d</li> </ul>

Capital equipment purchases include one flush and suction truck and the lease of a second. These trucks are routinely used by staff to maintain the sanitary sewers. Additional plant vehicle purchases include the replacements of a Ford F250 in 2012, a John Deere 2520 in 2010, and a Chevy 4500 in 2009. The City has not replaced the homemade trailer scheduled for replacement in 2011, because this item is meeting its intended purpose.

The City has been unable to hire addition staff (Item 4c) because of insufficient funds. Staffing levels remain at 15 full-time employees including a chief operator, senior operator, five collection system staff, four operations staff, and four maintenance staff. To address additional staffing needs, City management coordinates the workloads of other, non-WWTP staff within the Department of Public Works (DPW) so that when seasonal needs are lower, some DPW staff are made available to assist with scheduled or comprehensive maintenance at the WWTP. As an example, inspection of Digester 4 was scheduled so that non-WWTP DPW staff could assist with the removal of the cover. This methodology appears to be effective since the City is meeting the schedule for most Program Elements identified in the Master Plan.

## SUMMARY OF SYSTEM NEEDS

Through implementation of the asset management program, urgent collection system needs have been addressed earlier than scheduled. No additional equipment purchases have been identified however, the existing forklift will require replacement this year, as identified in the 2005 Master Plan. It is expected that equipment replacement purchases as well as routine maintenance will continue throughout the planning periods. These items will be identified during routine asset management investigations.

## SUMMARY OF UPDATED RECOMMENDATIONS

It is recommended that information be regularly entered into the City's asset management database and trends identified on an annual basis. To maintain the City's assets, it is important to continue on-going investigation and routine maintenance and purchases. In an effort to streamline this process and maximize efficiency, collection system operators will receive the following certifications:

- **NASSCO Pipeline Assessment and Certification Program (PACP)**
  - » The PACP program is a two-day course that covers coding procedures for pipeline assessment. The course will also be available online once the new version is released in Summer 2016. The objective of the course is to create a standard for pipeline assessment through coding for continuity across rehabilitation projects. The course identifies four different categories for coding:
    - › Structural Defect Coding
    - › Operations and Maintenance Coding
    - › Construction Features Coding
    - › Miscellaneous Coding
  - » PACP must be renewed every three years. Training costs \$995 for NASSCO members and \$1045 for non-NASSCO members.
  - » Certification of City staff through PACP will allow the City to self perform the sewer inspections and provide summary documentation for use by rehabilitation contractors in bidding the work.
- **NASSCO Manhole Assessment and Certification Program (MACP) and the Lateral Assessment and Certification Program (LACP)**
  - » MACP and LACP are many times given in conjunction with PACP. Similar to PACP, MACP and LACP must be renewed every three years. Training costs for both of these programs is a total of \$175. The training can often be given as a third day of the PACP training.
  - » As a way to develop a standardized coding system for manholes, NASSCO created MACP. This program consists of two inspection protocols to better meet the needs of utility owners. The level 1 inspection provides basic condition assessment information to evaluate the general condition of a manhole. The purpose of the level 2 inspection is to gather detailed information to fully document all defects, determine condition of the manhole, and provide the specific information needed to recommend corrective action. MACP uses the established defect coding system found in the PACP to the greatest extent possible. The program also incorporates as much of the ASCE manhole standards as possible while maintaining the form and style of the PACP.
  - » LACP was developed to standardize defect coding in pipeline laterals. The training addresses many fittings and access points that are unique to laterals, but uses a very similar defect coding as the PACP.
- **Voluntary Collection System Certification**
  - » The Collection System Certification is a voluntary New York State Department of Environmental Conservation (NYSDEC) certification program for collection systems operators. The program is facilitated through NYWEA and has four certification levels, 1 through 4. The different levels are based on collection system operator experience and the size of the systems at which operators achieved this experience, with

1 being the lowest level and 4, the highest. To obtain certification, a collections system operator must pass the certification test facilitated by NYWEA. This test is offered every April and September. In an effort to prepare for this test, many programs require the operators to take a training course. The program at Monroe County Department of Environmental Services (MCDES), requires collection system operators to meet once a week for 2.5 hours, every week for five months to review the tested material. While not all review programs will be identical, other municipalities offer similar training programs for collections system operators. Operators must recertify by taking the test every five years. Within those five years, operators must acquire 60 RTC credit hours, through NYSDEC approved training, similar to the Wastewater Treatment Plant Operator certification.

- » The exam costs \$45.00 for NYWEA members and \$85.00 for non-members.

Each year, trained City personnel will inspect pipelines based on the PACP defect coding. Based on the condition of the sewers, the rehabilitation/replacement schedule will be updated to reflect the latest inspection and those sewers identified as a priority will be rehabilitated within the following year. At the beginning of each year, staff will meet and develop a schedule and location of sewers to investigate.

Beginning in 2017, the City will implement an annual term service contract for cured in place pipe and manhole repairs as the means for rehabilitating sewers. The proposed annual budget of \$250,000 will be allotted for sewer asset management and rehabilitation through use of City staff and term contracts based on funding availability. The management program also includes a commitment to identify sewer rehabilitation priorities that will require additional funding beyond the annual funding level of \$250,000 and to apply for funding through grant opportunities where available.

**Table 8: Updated Sanitary Sewer Asset Management Program Recommendations and Schedule**

Item	Schedule		Estimated Cost
	Start Date	End Date	
<b>4d</b> Collection system capital equipment purchases: on-going	2017	2044	A budgeted cost of \$10,000 annually.
<b>4e</b> Collection system staff training	2016	Ongoing	Annual budget of \$5,000.
<b>4f</b> Sewer system on-going investigation and maintenance	2013	2044	Annual budget of \$250,000.

The 2005 Master Plan did not address the cost of recurring, on-going capital purchases and maintenance of the collection system asset management program; therefore, this cost has been added to this update. Since the City has replaced most of its fleet since the Master Plan was developed, a budgetary cost of \$10,000 annually has been included, beginning in year 2017 for Item 4d. Although these values are estimates, they will allow the City to set aside adequate funds for these programs.

## 6.0 PROGRAM ELEMENT 5: STORM SEWER ASSET MANAGEMENT PROGRAM

The goal of the storm sewer asset management program is to identify storm sewer improvement projects to reduce infiltration and inflow (I/I) to the WWTP while addressing flooding concerns within the City. The 2005 Master Plan established that the first step, installation of new storm drains in areas directly connected, or suspected of connecting, to sanitary sewers, would provide the most redirection of I/I from the sanitary sewers and WWTP.



## STATUS UPDATE

The City has completed most of the items scheduled for completion by 2012 (see Table 9). Storm sewers have been inspected and repair projects that were previously identified in the catch basin separation study have been completed. New catch basins have been installed in areas with storm sewers. The City has considered the benefits of installing catch basins in areas that do not have adequate drainage and would be prone to flooding without conveyance of run-off to the sanitary sewers and determined that minimal benefit would result. The City has conducted a storm sewer system needs review as part of this Master Plan Update. Initial information gathered from this review provided areas where Program Components identified in Table 9 will be conducted.

**Table 9: Status of Storm Sewer Asset Management Program Components Identified in 2005 Master Plan**

Description of 2005 Master Plan Component		Status
		<b>Task Mostly Completed</b>
<b>5a1</b>	Catch basin separation:  Includes construction of new storm sewers, catch basin separation and CCTV inspection and repair projects.	<ul style="list-style-type: none"> <li>• CCTV inspection and repair projects completed. This task is on-going. Staff continues to televise storm sewers</li> <li>• New catch basins have been installed in areas with storm sewers.</li> <li>• Areas without adequate storm sewers or drainage have not yet been separated.</li> </ul>
<b>5b1</b>	Storm Sewer System Needs Study:  Summarize all City areas where storm sewers are unavailable and stormwater could be influencing sanitary sewers	Not yet performed.  Scheduled to begin in 2017
<b>5c1</b>	Storm Sewer Improvement Projects:  Based on recommendations of the Storm Sewer Needs Study.	Not scheduled to begin until completion of the Storm Sewer Needs Study, in 2018.
<b>5d1</b>	On-going Investigation and Maintenance	Task is on-going

## SUMMARY OF SYSTEM NEEDS

Installation of separate storm sewers and storm water catch basins in areas that do not have adequate drainage and would be prone to flooding without conveyance of run-off to the sanitary sewers has not occurred. Using GIS, the City has mapped all storm and sanitary sewers within the City and has identified locations where there is a gap in storm sewer coverage. Currently, there are two locations within the City prone to flooding and run-off is conveyed to the WWTP

- Green Street region
- Two Mile Creek Region

Completion of a storm sewer needs study is recommended to develop a plan for addressing these areas and to define addition areas where stormwater may be migrating to sanitary sewers.

Completion of sanitary sewer investigations under Program Element 4 will provide further information relative to the condition of storm sewers and potential influence on the sanitary sewer system.



## SUMMARY OF UPDATED RECOMMENDATIONS

For the short term, it is likely that divergence of storm water run-off will not occur in some areas and this flow will continue to be conveyed to the WWTP. As a result, it is recommended that these flows be included in WWTP influent flow measurements and flow and storm trends documented to verify success of Program Elements 2 through 5. Areas that can be addressed with new storm water infrastructure will be implemented as part of the On-going investigation and Maintenance task.

**Table 10: Updated Storm Sewer Asset Management Program Recommendations and Schedule**

	Item	Schedule		Estimated Cost
		Start Date	End Date	
<b>5b1</b>	Storm Sewer System Needs Study	2017	2017	\$45,000
<b>5c1</b>	Storm sewer system improvements	2018	2018	To be determined based on study recommendations
<b>5d</b>	On-going investigation and maintenance	2014	2044	To be determined based on asset management program. A cost of \$10,000 per year has been assigned to accomplish this.

The storm sewer system needs study (Item 5b1) will continue in 2017 based on the information gathered to date.

The City has identified two streets (South 18<sup>th</sup> and North 2<sup>nd</sup>) that are not served by storm sewers and contain catch basins directly connected to the sanitary sewer. Currently, the impact of flow into the sanitary sewer is unknown and the City will estimate the flow influence through completion of a flow study in 2017. This study will consist of installing temporary flow meters inside of strategic manholes and measuring flows over a period of several weeks. Data collected during this time period will be evaluated to determine the influence of storm events on the sanitary flows. The City has flow meters that can be utilized for the application and can self perform the assessment.

Upon installation of the flow meter in each of the sewers, the following steps must be taken to determine the amount of sanitary flow, infiltration and inflow:

1. Take a baseline reading during a dry weather period. A dry weather period is defined as 3 to 5 days without a storm event. This reading will be predominantly sanitary flow with minor influences from infiltration.
2. To determine the influence from infiltration, data collected during the middle of the night of the same day as the dry weather reading will be reviewed. Sanitary influences will be at a minimum and the recorded flow will be predominantly infiltration from ground water.
3. The estimated sanitary flow is the dry weather reading taken in Step 1, minus the infiltration influence recorded in Step 2.
4. To calculate the inflow within the sewer, or the influence from wet weather events, flow meter readings are recommended for a minimum of four to six weeks. These readings will then be compared to the rainfall each day during the metering period.
5. The wet weather flows recorded in step 4 minus the sanitary flow and the infiltration flow will provide the amount of inflow from the storm events.

Data collected from the evaluation will be utilized in a cost benefit analysis and determination if installation of separate storm sewers is justifiable.

Likewise, implementation of the improvements (Item 5c1) recommended by the study will follow task 5c1.

The 2005 Master Plan did not address the cost of recurring, on-going investigation and maintenance of the storm system asset management program (Item 5d). A budgetary cost of \$10,000 per year has been added so that the City will set aside adequate funds for this item.

## 7.0 PROGRAM ELEMENT 6: SEWER USE ORDINANCE ENFORCEMENT

The 2005 Master Plan identified the City's intent to continue enforcing a 2004 SUO policy statement across the service area. The goal of the SUO policy is to reduce infiltration and inflow (I/I) by building on previous work that identified potential roof drain and basement sump sources through smoke testing. The 2005 Master Plan identified three main components along with the status of the planned activities. These tasks were projected to begin immediately and continue throughout the 40-year Master Plan period. The City is in the process of updating the SUO to strengthen policy for Fats, Oils and Grease (FOG) and to regulate inflow sources to the sanitary sewers.

### STATUS UPDATE

The City has completed the first two tasks of notifying and educating property owners with illegal connection (Table 10).

Beginning in 2016, the revised SUO will require that transfer of property ownership will include an inspection step to confirm that all inflow sources have been disconnected. The City DPW will perform the inspections using internal staff and based on historical property transfer data, approximately 250 inspections will be completed annually. The City will develop a database to track information on each parcel to streamline subsequent inspections.

The proposed SUO modifications are included as Appendix A.

The City has also begun the process of address illegal connections on a street by street basis during scheduled storm and sanitary sewer upgrades.

**Table 11: Status of Sewer Use Ordinance Enforcement Components Identified in 2005 Master Plan**

Description of 2005 Master Plan Component		Status
6a	Notification:	Task Completed.
	Property owners with illegal sources are to be notified of the need to redirect or disconnect illegal sources.	
6b	Education:	Task Completed.
	Notices sent to property owners are to be provided with guidance on how to perform the modifications on their own and a list of qualified contractors who could perform the work.	
6c	Enforcement:	Beginning May 2016 and Ongoing.

	Description of 2005 Master Plan Component	Status
	Inspection of buildings during property transfer will be completed to confirm disconnection of inflow sources. Property owners that don't comply will be billed for stormwater flows to the sanitary system at a surcharge rate.	
6d	<p>Capital Project Policy:</p> <p>As part of street reconstruction projects, the City is disconnecting illegal connections and rehabilitating sanitary sewers within the footprint of each major street reconstruction project.</p>	Ongoing

## SUMMARY OF UPDATES

Modifications to enforcement of the SUO policy relative to inflow have been made and enforcement will begin in 2016 and will be continuous for the life of the system.

The City has recently completed the North Union Street Improvements project and through this project have disconnected eight sewer laterals from sanitary sewers and reconnected to storm sewers. Based on the size and locations of the laterals, the area served from adjacent buildings is approximately 20,000 square feet. A 5-year storm in Olean, NY results in 2.80 inches of precipitation in a 24 hour period (Cornell University). As a result of the North Union Street Improvements, approximately 35,000 gallons of water from the adjacent buildings is being redirected into the storm sewer during each 5-year storm event and is no longer entering the sanitary system.

The City will provide updates on the status of component 6d as progress continues.

## 8.0 SCHEDULE OF RECOMMENDATIONS

An implementation schedule is presented as Figure 9-1. This schedule has been reviewed by the City and determined to be feasible.

[illegible]

Study
Design
Construction
Ongoing maintenance
Monitoring
Administrative
Modifications to schedule

**TABLE 9-1: ABBREVIATIONS AND DESCRIPTIONS OF MASTER PLAN COMPONENTS**

Schedule Abbreviations	Description of 2005 Master Plan Component
<b>2a</b>	First Tier Priority Interceptor Projects
<b>2a1</b>	Design and Construction of Two-Mile interceptor improvements
<b>2a2</b>	Design and Construction of Third Street interceptor improvements
<b>2a3</b>	Design and Construction of Dyke Sewer (East Olean) interceptor improvements
<b>2a4</b>	Miscellaneous manhole to manhole replacements
<b>2b</b>	Second Tier Interceptor Improvements Project
<b>2b1</b>	North Union Street Sewer (Main to Railroad) interceptor improvements
<b>2b2</b>	Sullivan/Canal/Reed Sewer interceptor improvements
<b>2b3</b>	Canal/Shawmut Y Sewer (Shawmut Pump Station to 4 <sup>th</sup> Street Pump Station) interceptor improvements
<b>2b4</b>	West State Street sewer (Western City limit to 17 <sup>th</sup> Street) interceptor improvements
<b>2b5</b>	Ohio Street and East River Drive interceptor improvements
<b>2b6</b>	Connell, Buffalo and 10 <sup>th</sup> Street sewers interceptor improvements
<b>2b7</b>	36" and 42" Dyke Sewer rehabilitation (W. Olean)
<b>2b8</b>	New siphon under Allegheny River
<b>2b9</b>	New Pratt's Brook Sewer interceptor improvements
<b>2b10</b>	North Union Sewer interceptor improvements
<b>2b11</b>	13 <sup>th</sup> Street Sewer interceptor improvements
<b>2c1</b>	Long-term Interceptor Rehabilitation Projects
<b>3a</b>	East Olean Pump Station
<b>3b</b>	System-wide Consolidation, Needs and Energy Savings Study
<b>3c</b>	Pump Station Improvement Projects
<b>3d</b>	On-going Maintenance
<b>4a</b>	Geographic Information System (GIS) and Mapping Technology Development
<b>4b</b>	Rehab/Reconstruction of Local Sewer System
<b>4c</b>	Staff Adjustment to Match Needs (New Hires)
<b>4d</b>	Collection System Capital Equipment Purchases
<b>4e</b>	On-going Investigation and Maintenance
<b>4f</b>	Sewer system on-going investigation and maintenance
<b>5a1</b>	Catch basin separation
<b>5b1</b>	Storm Sewer System Needs Study
<b>5c1</b>	Storm Sewer Improvements Project
<b>5d1</b>	On-going Investigation and Maintenance
<b>6a</b>	Notification: Notify Property Owners with illegal sources
<b>6b</b>	Education: Guidance to Property Owners on how to perform modifications
<b>6c</b>	Enforcement: Inspect buildings during property transfer
<b>6d</b>	Capital Project Policy: disconnecting illegal connections

*Appendix A*  
*Revised SUO Policy*

*The following code does not display images or complicated formatting. Codes should be viewed online.  
This tool is only meant for editing.*

# ARTICLE ARTICLE III SEWERS AND SEWAGE DISPOSAL

## DIVISION 1 GENERALLY

### Sec. 27-41 **Definitions.**

[Code 1971, § 31-24; Res. No. 147-91, 12-10-1991; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005; Res. No. 66-09, 10-27-2009]

(A) Definitions. Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. Shall is mandatory; may is permissive.

### **Abnormal Sewage**

Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. See normal sewage.

### **Act or "THE ACT"**

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

### **Administrator**

The Regional Administrator of the U. S. Environmental Protection Agency (USEPA), Region 2.

### **Ammonia**

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

### **Applicant**

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

### **Approval Authority**

The USEPA, or the New York State Department of Environmental Conservation (NYSDEC), in the event the NYSDEC is delegated approval authority responsibility by the USEPA.

### **Approved Laboratory Procedure**

The procedures defined as 'Standard Methods' in this article, or other procedures approved by the Superintendent, for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters, and/or sludges.

### **ASTM, denoting American Society for Testing and Materials**

The latest edition of any ASTM specification, when stipulated in this Law.

### **Authorized Representative of the Industrial User**

An authorized representative of the industrial user may be:

- (a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (b) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;
- (c) A duly authorized representative of the individual designated above, if such representative is

responsible for the overall operation of the facilities from which the indirect discharge originates.

## **BACKGROUND CONCENTRATION**

The sewage concentration of a pollutant in process water supply, as determined by the industry and which corresponds to the same time period as that of the wastewater sample acquisition.

## **BOD (BIOCHEMICAL OXYGEN DEMAND)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million by weight.

## **BUILDER**

Any person or corporation who undertakes to construct, either under contract or for resale, any building.

## **BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, 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.

## **CATEGORICAL PRETREATMENT STANDARDS**

The National Categorical Pretreatment Standards or Standard, including without limitation the definitions and standards contained in 40 CFR Chapter (1), Subchapter (N), Parts 405-471.

## **Chlorine Demand**

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

## **CHLORINE REQUIREMENT**

The difference between the amount of chlorine added to water, sewage, or industrial wastes and the amount of residual chlorine remaining at the end of a fifteen-minute contact period.

## **City**

The City of Olean, incorporated on April 26, 1893.

## **CITY CHARTER**

The charter of the City, as amended.

## **COD, denoting Chemical Oxygen Demand**

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

## **Color**

The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

## **COMBINED SEWER**

A sewer receiving both surface runoff and sewage.

## **Composite Sample**

The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the



individual volumes may be proportioned to the flow at the time of sampling.

**Connection**

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

**Connection Charge (Tap Fee)**

The one time application fee to offset City of Olean expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

**CONTRACTOR**

Any person, firm, or corporation approved by the Common Council to do work in the City.

**CONTROL AUTHORITY**

The City of Olean.

**Control Manhole**

A manhole accessible to the Control Authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

**COOLING WATER**

Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**Conventional Pollutant**

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

**County**

Cattaraugus County.

**DEVELOPER**

Any person or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.

**Direct Discharge**

The discharge of treated or untreated wastewater directly to the Waters of the State of New York. (For reference, see Indirect Discharge.)

**DIRECTOR**

The Director of Public Works for the City, or his authorized deputy, agent or representative.

**Domestic Wastes**

see Sewage, Domestic.

**Dry Sewers**

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

**Easement**

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

**End of Pipe**

For the purpose of determining compliance with limitations prescribed by Article 9, end of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

**End of Pipe Concentration**

The concentration of a substance in a sample of wastewater at end of pipe.

**End of Process Concentration**

see National Categorical Pretreatment Standard.

**ENFORCEMENT RESPONSE PLAN**

The plan containing detailed procedures indicating how the Control Authority will investigate and respond to instances of industrial noncompliance, including, without limitation, violations which will adversely affect the operation or implementation of the pretreatment program and the Control Authority's response thereto.

**EPA**

The United States Environmental Protection Agency.

**Extension**

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

**Facility**

All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.

**Floatable Oil**

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

**Flow Rate**

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

**FWPCAA**

The Federal Water Pollution Control Act Amendments, or the Act.

**GARBAGE**

Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**Grab Sample**

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

**ICS Form**

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

**Industrial**

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

**Industrial Chemical Survey (ICS)**

The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

**INDIRECT DISCHARGE**

The introduction of pollutants into a POTW from any nondomestic source.

**INDUSTRIAL PRETREATMENT PROGRAM (IPP)**

A program administered by a POTW that meets the criteria established in Title 40, Protection of Environment, Chapter I, Environmental Protection Agency, Part 403, General pretreatment regulations for existing and new sources of pollution, and which has been approved by a Regional Administrator or State Director in accordance with 403.11 of the above regulation.

**INDUSTRIAL PRETREATMENT PROGRAM ADMINISTRATOR (IPP ADMINISTRATOR)**

The Director of Public Works or the Wastewater Treatment Plant Chief Operator acting on behalf of the Control Authority.

**INDUSTRIAL USER**

Any source of indirect discharge, including all nondomestic sources and including commercial facilities, hospitals, and government agencies.

**INDUSTRIAL WASTES**

The liquid, solid, and gaseous waste, including suspended solids, resulting from the processes employed in industrial or commercial establishments.

**INSPECTOR**

The plumbing and building inspector of the City, or his authorized deputy, agent, or representative.

**Infiltration**

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

**Inflow**

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

**INTERFERENCE**

A discharge that alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the publicly owned treatment works (POTW), its treatment processes or operations, or its sludge processes, use, or disposal, and therefore causes a violation of the POTW's State Pollutant Discharge Elimination (SPDES) permit or prevents sewage sludge use or disposal in compliance with specified applicable federal or state statutes, regulations, or permits.

**Lateral, Building**

The sewer extension from the building drain to the Street Lateral or other place of wastewater disposal.

**Lateral, Street**

The sewer extension from the public sewer to the property line.

**National Categorical Pretreatment Standard, or Categorical Standard**

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

**National Pollutant Discharge Elimination System (NPDES) Permit**

A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

**National Prohibitive Discharge Standard, or Prohibitive Discharge Standard**

Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5.

**NATURAL OUTLET**

Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**New Owner**

That individual or entity who purchased property within the Service Area of the City of Olean after the effective date of this law.

**NEW SOURCE**

A facility from which there is or may be a discharge of pollutants, construction of which began after publication of the proposed pretreatment standard pursuant to Section 307(c) of the Clean Water Act (CWA) which will apply to the facility if standards are promulgated.

**New User**

A discharger to the POTW who commences discharge after the effective date of this Law.

**NONCOMPLIANCE**

Any violation of the provisions of this chapter pertaining to the introduction, continuing discharge, or failure to install controls to reduce concentrations of pollutants into the POTW.

**NPDES**

The National Pollutant Discharge Elimination System.

**Normal Sewage**

see Sewage, Normal.

**Nuisance**

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

**NYSDEC**

The New York State Department of Environmental Conservation or other duly authorized official of said Department.

**NYSDPW**

New York State Department of Public Works.

**Oil and Grease**

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

**Old Owner**

That individual or entity who owns or owned a property, within the Service Area of the POTW, purchased prior to the effective date of this Law, or who inherited the property at any time and intends to sell the property, or has sold the property to a new owner, also the agent of the old owner.

**Other Wastes**

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

**OUTLET SEWER**

A public sewer constructed and paid for at the general expense of the City.

**OWNER**

Any individual, firm, company, association, society, person, or group having title to real property.

**PASS THROUGH**

A discharge that exits the POTW in quantities or concentrations that, alone or with discharges from other sources, causes a violation of the POTW's NPDES permit.

**PH**

The negative logarithm of the concentration of hydrogen ions in the grams-ionic weights per liter of solution.

**Permit**

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

**PERMIT TO DISCHARGE**

A written permit to deposit or discharge industrial waste into the POTW.

**PERSON**

Any individual, firm, company, association, society, corporation or group, including a city, town, or village.

**PETITION SEWER**

A public sewer constructed and paid for at the expense of the owners of property adjoining the sewer.

**Phosphorus, total**

See total phosphorus.

**Pollution**

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

**POLLUTANT**

Any solid, liquid, or gaseous waste containing any of the following: soluble or insoluble substances of organic or inorganic nature which may deplete the dissolved oxygen content of the receiving stream; settleable solids that may form sludge deposits; grease and oils; floating solids which may cause unsightly appearance; color; phenols and other substances to an extent which would impart any taste or odor to the receiving stream; and toxic or poisonous substances in suspension, colloidal state, solution, or gases.

**Pretreatment (Treatment)**

The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, Section 403.6 (D).

**Pretreatment Requirements**

Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

**Pretreatment Standard or National Pretreatment Standard**

Any Categorical Standard or Prohibitive Discharge Standard.

**Priority Pollutants**

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

**Prohibitive Discharge Standard**

see National Prohibitive Discharge Standard.

**PROPERLY SHREDDED GARBAGE**

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

**PROPERTY LINE**

The edge of a public street line if the building sewer is to connect with the public sewer in a public street.

**PUBLIC SEWER**

A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**Publicly Owned Treatment Works (POTW)**

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

**POTW TREATMENT PLANT**

That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

**Receiving Waters**

A natural water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

**Records**

Shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to, letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, graphs and inspection reports. For the purposes of this law, records shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

**Roof Drain**

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

**SANITARY SEWER**

A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

**Septage**

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

**Septic Tank**

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

**Service Area of the POTW**

The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the City of Olean Council.

## **SEWAGE**

A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

### **Sewage, Domestic (Domestic Wastes)**

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

### **Sewage, Normal**

Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

- B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
- Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less
- Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.
- Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
- Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
- Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less.
- Oil and Grease - 830 lbs. per million gallons (100 milligrams per liter), or less

In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

### **Sewage, Sanitary**

Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm water, surface water, industrial, and other wastes. (See Domestic Wastes.)

### **Sewage, Unusual Strength or Character**

Sewage which has characteristics greater than those of Normal Sewage and /or which contains Substances of Concern.

## **SEWAGE TREATMENT PLANT**

Any arrangement of devices and structures used for treating sewage.

## **SEWER**

A pipe or conduit for carrying sewage.

### **Sewer, Combined**

A sewer designed to receive and transport both surface runoff and sewage.

### **Sewer, Public**

A sewer in which all abutting property owners have equal rights, and the use of which is controlled by the City of Olean.

### **Sewer, Sanitary**

A sewer which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.

### **Sewer, Storm (Storm Drain)**

A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

## **SEWER DISTRICT**

Any area outside of the City's collection and conveyance system, which discharges wastes into the City's system or at the treatment plant in order to have the sewage generated in that area treated.

**Sewerage System (also POTW)**

All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

**Sewerage Surcharge**

The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage. (See Volume Charge.)

**SIGNIFICANT INDUSTRIAL USER**

- (a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- (b) Any other industrial user that: 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); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR.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 403.8(f)(6)].

**SIGNIFICANT NONCOMPLIANCE**

Any violation or group of violations that meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);
- (b) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the 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);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (e) 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;
- (f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
- (h) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.



**SLUG LOAD**

Any discharge of water, sewage, or industrial waste which occurs for any period longer than 15 minutes and exceeds more than five times the average flow or concentration during normal operating hours.

**Standard Industrial Classification (SIC)**

A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions.

**Standard Methods**

Procedures contained in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, procedures established by the Administrator, pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136, and amendments thereto. (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, shall be used.), any other procedure approved by the Administrator, or any other procedure approved by the Superintendent, whichever is the most conservative.

**State**

State of New York.

**STATE BUILDING CONSTRUCTION CODE APPLICABLE TO PLUMBING**

The New York State Uniform Fire Prevention and Building Code.

**State's Waters**

See Waters of the State.

**SPDES**

The State Pollution Discharge Elimination System.

**STORM SEWER OR STORM DRAIN**

A pipe or conduit which carries stormwater, surface waters, and drainage, but excludes sewage and industrial wastes.

**STORMWATER**

Excess water which is derived from precipitation. This would include surface runoff.

**Substances of Concern**

Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment.

**Sump Pump**

A mechanism used for removing water from a sump or wet well.

**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.

**Superintendent**

The Director of Public Works as nominated by the Mayor of the City of Olean and confirmed by the City of Olean Council as the Superintendent of Water and Wastewater. Such an individual shall be licensed to practice engineering in the State, and otherwise qualified to oversee water treatment and distribution and POTW operations. This definition shall also include his authorized deputy, agent, or representative.

**TAP OR TAP-IN**

A connection between the public sewer and the building sewer.

**Total Kjeldahl Nitrogen (TKN)**

The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

**Total Phosphorus**

The result obtained, using an approved laboratory procedure, to determine the total quantity of orthophosphate, in a sample of wastewater, following the hydrolysis of phosphorus compounds, expressed as milligrams of phosphorus per liter of sample.

**TOXIC POLLUTANT**

Those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, are known to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to FWPCA Section 307(a).

**Toxic Substances**

Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

**UNPOLLUTED WATER**

Water which is free of any pollutant or waste.

**USER**

Any person who contributes, causes, or permits the contribution of wastewater into the City's facilities.

**User, Existing**

A discharger to the POTW who is discharging on or before the effective date of this Law.

**User, Industrial**

A discharger to the POTW who discharges non-domestic wastewaters.

**User, New**

A discharger to the POTW who initiates discharge after the effective date of this Law.

**User, Significant Industrial (SIU)**

An industrial user of the City of Olean POTW who is:

- Subject to National Categorical Pretreatment Standards promulgated by the EPA,
- Having substantial impact, either singly or in combination with other industries, on the operation of the treatment works,
- Using, on an annual basis, more than 10,000 lbs or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system,
- Discharging more than five percent (5%) of the flow or load of conventional pollutants received by the POTW treatment plant.

\*Note: A user discharging a measurable quantity of a pollutant may be classified as non-significant if, at the influent to the POTW treatment plant, the pollutant is not detectable.

**Wastewater**

The liquid and water-carried industrial or domestic wastewaters from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**Wastewater Discharge Permit**

A permit as set forth in this Law.

**Wastewater, Unusual Strength or Character**

see Sewage, Unusual Strength or Character.

**WATERCOURSE**

A channel in which a flow of water occurs, either continuously or intermittently.

**Waters of the State (State's Waters)**

All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

**(B) Abbreviations**

The following abbreviations shall have the designated meanings:

ANSI - American National Standards Institute  
ASTM - American Society for Testing and Materials  
AWWA - American Water Works Association  
BOD - Biochemical Oxygen Demand  
CFR - Code of Federal Regulations  
CPLR - Code of Public Law and Rules  
COD - Chemical Oxygen Demand  
EPA - Environmental Protection Agency  
L - Liter  
Mg - Milligram  
Mg/l - Milligrams per liter  
NCPI - National Clay Pipe Institute  
NPDES - National Pollutant Discharge Elimination System  
NYSDEC - New York State Department of Environmental Conservation  
NYSDOH - New York State Department of Health  
NYSDOT - New York State Department of Transportation  
P - Total Phosphorus  
PSI - Pounds per Square Inch  
POTW - Publicly Owned Treatment Works  
PPM - Parts per Million, weight basis  
SIC - Standard Industrial Classification  
SPDES - State Pollutant Discharge Elimination System  
SWDA - Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq.  
U.S.C. - United State Code of Laws  
USEPA - United State Environmental Protection Agency  
TSS - Total Suspended Solids

**(C) Undefined Terms**

Terms not defined in this article, or terms found to be ambiguous or improperly defined in this article, shall be defined by the Act, or Regulations, pursuant thereto.

**Sec. 27-42 Use of Public Sewers Required**

#### **A. Connecting Private Sewage system to Storm Sewer Unlawful**

No person shall connect a private sewage system so that sewage flows into a storm sewer or into a drain intended exclusively for storm water.

#### **B. Discharge of Sewage into Well Prohibited**

No person shall discharge sewage into a well.

#### **C. Wastewater Discharge Unlawful**

It shall be unlawful to discharge into any natural outlet, within City of Olean, or in any area under the jurisdiction of the said municipality, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

#### **D. Limitations on Use of Public Sewers**

The use of the City of Olean public sewers shall be strictly limited and restricted to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the Service Area of the POTW.

#### **E. Wastewater from Outside the POTW Service Area – Inter-municipal Agreements**

The City of Olean Council, on the recommendation of the Superintendent, shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the POTW.

If the person is a municipality, that municipality shall have enacted a Sewer Use Law as restrictive on the discharge of sewage and other wastes and the restrictions contained in this Law.

If the person is not a municipality the acceptance shall be made only with the expressed written consent of the Superintendent (the issuance of a permit) setting forth the terms and conditions of such an acceptance.

#### **F. Basis of Sewer Use Requirement**

All requirements, directives, and orders calling for mandatory use of the sewers, within the Service Area of the POTW, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the City of Olean Common Council, NYSDEC, USEPA, and/or other such State or Federal agencies, which have enforcement powers.

Sec. 27-43 Inflow

#### **A. New Inflow Sources Prohibited**

No connections shall be made to a sanitary or to a combined sewer which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, uncontaminated cooling water discharges, or other sources of inflow.

#### **B. Existing Inflow Sources Disconnected**

For properties where separate storm sewers are available within 100 feet of the property line or where, in the judgment of the Superintendent, sufficient natural drainage is available, connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the Superintendent, prior to the sale of the property as outlined below.

1. Prior to the indexing and recording of a conveyance of real property with the City Assessor, as required by Chapter C, Article VI, Section 6.007 of the Charter of the City of Olean, the grantor shall obtain from the Superintendant an inspection certificate certifying that the property is free of inflow sources. In lieu of an inspection by the Superintendant, the transferor may obtain an inspection certificate from a Plumber duly licensed by the City and which dated within 30 days of the proposed transfer date certifying that the property is free of inflow sources.
2. The Superintendant may waive the disconnection requirement if after an inspection by the Superintendant or his designated representative, he determines that both the property line is not located within 100 feet of the storm sewer and in their opinion the property lacks sufficient natural drainage so that the inability to continue the inflow would result in damage to the property or an adjoining property.
3. Notwithstanding the above, this section shall only apply to bona fide transfer of the property for value and shall not apply to transfers between family members, spouses, in lieu of foreclosure, or transfers where the grantee is an executor or administrator of an estate and the grantee is taking title to the property through a bequests under a last will and testament or through intestate succession. For the purpose of this section, a referee's deed in foreclosure shall constitute a bona fide transfer for value.

### **C. Existing Inflow Sources Disconnected When Property Sold**

Upon notice from the Tax Assessor, the Superintendent shall inspect any newly sold property for the purpose of determining if storm sewers or natural drainage is available, and, if so, if all connections which contribute inflow have been disconnected.

### **D. No Re-connection of Inflow Source Allowed**

It shall be a willful violation of this Law for any person to reconnect any inflow source which has been disconnected pursuant to this Article.

### **E. Charges for Inflow**

The Superintendent is enabled to take whatever action is necessary to determine the amount of inflow including the requirement for installation of a control manhole. The property from which the inflow originated shall be billed for inflow according to Division 5, Section 27-167, however, the City of Olean Council may cause a surcharge at a rate not to exceed five (5) times that for normal sewage volume charge.

## **Sec. 27-44 Enforcement, Penalties and Violation of Article**

**[Code 1971, § 31-68; Res. No. 147-91, 12-10-1991; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

### **A. Enforcement Response Plan**

The Superintendent shall prepare an Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall:

- (1) describe how the Superintendent will investigate instances of non-compliance
- (2) describe the types of escalated enforcement actions that the Superintendent will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions

(3) adequately reflect the City of Olean Council's responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain:

- (1) criteria for scheduling periodic inspection and/or sampling visits to POTW Users
- (2) forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence
- (3) systems to track due dates, compliance schedule milestones, and pending enforcement actions
- (4) criteria, responsible personnel, and procedures to select and initiate an enforcement action.

The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:

- magnitude of the violation
- duration of the violation
- effect of the violation on the receiving water
- effect of the violation on the POTW
- effect of the violation on the health and safety of the POTW employees
- compliance history of the User
- good faith of the User
- and shall promote consistent and timely use of enforcement remedies.

The City of Olean Council shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed at least every five years.

## **B. Administrative Remedies**

### **1. Notification of Violation**

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

### **2. Consent Orders**

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

### **3. Administrative or Compliance Orders**

When the Superintendent finds that a User has violated or continues to violate this Law or a permit or administrative order issued there under, he may issue an administrative order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The User may, within fifteen (15) calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order, or
- (3) Order the petitioner to show cause in accordance with Sec. 27-44 (8) and may as part of the show cause notice request the User to supply additional information.

#### **4. Administrative Fines**

Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each calendar day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The User may, within fifteen (15) calendar days of notification of the Superintendent's notice of such fine, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the fine, or
- (3) Order the petitioner to show cause in accordance with Sec. 27-44 (8) and may as part of the show cause notice request the User to supply additional information.

#### **5. Cease and Desist Orders**

When the Superintendent finds that a User has violated or continues to violate this Law or any permit or administrative order issued hereunder, the Superintendent may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The User may, within fifteen (15) calendar days of the date the Superintendent mails notification of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order,
- (3) Order the petitioner to show cause in accordance with Sec. 27-44 (8) and may as part of the show cause notice request the User to supply additional information.

#### **6. Termination of Permit**

Any User who violates the following conditions of this Law or a wastewater discharge permit or administrative order, or any applicable State and Federal law, is subject to permit termination: (1) Violation of permit conditions or conditions of an administrative order, (2) Failure to accurately report the wastewater constituents and characteristics of its discharge, (3) Failure to report significant changes in operations or wastewater constituents and characteristics, (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling, or (5) Failure to pay administrative fines, fees or user charges. Non-compliant industrial Users will be notified, by registered mail, of the proposed termination of their wastewater permit. The User may, within fifteen (15) calendar days of the date the Superintendent mails such notification, petition the Superintendent to permit continued use of the POTW

by the user. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then: (1) Reject any frivolous petitions, (2) Order the petitioner to show cause in accordance with Sec. 27-44 (8) and may as part of the show cause notice request the User to supply additional information.

## **7. Water Supply Severance**

Whenever a User has violated or continues to violate the provisions of this Law or an order or permit issued hereunder, water service to the User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply. The User may, within fifteen (15) calendar days of severance, petition the Superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (1) Reject any frivolous petitions,
- (2) Reconnect the water supply, or
- (3) Order the petitioner to show cause in accordance with Sec. 27-44 (8) and may as part of the show cause notice request the User to supply additional information.

## **8. Show Cause Hearing**

The Superintendent may order any User appealing administrative remedies for violations of this Law to show cause, before the City of Olean Council, why an enforcement action, initiated by the Superintendent, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the City of Olean Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the City of Olean Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with Sec. 27-44 (10) of this Article. Service shall be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with Sec. 27-44 (10). The City of Olean Council may itself conduct the hearing, or may designate any of its members or any officer or employee of the City of Olean to conduct the hearing:

- (1) Issue, in the name of the City of Olean Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings,
- (2) Take the evidence,
- (3) Take sworn testimony,
- (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City of Olean Council for action thereon.

After the City of Olean Council has reviewed the evidence and testimony, it may order the user to comply with the Superintendent's order or fine, modify the Superintendent's order or fine, or vacate the Superintendent's order or fine.

## **9. Failure of User to Petition the Superintendent**

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

## **10. Notice**

The notices, orders, petitions, or other notification which the User or Superintendent shall desire or be required to give pursuant to any sections of this Law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the User pursuant to the sections of this Law shall be mailed to the User where the User's effluent is discharged into transmission lines to the City of Olean's



POTW. Any notice, petition, or other communication mailed to the Superintendent shall be addressed and mailed to the City of Olean Hall of the City of Olean.

## **11. Right to Choose Multiple Remedies**

The Superintendent shall have the right, within the Superintendent's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this Article. The Superintendent may utilize more than one administrative remedy established pursuant to this Article, and the Superintendent may hold one show cause hearing combining more than one enforcement action.

### **C. Judicial Remedies**

#### **1. Civil Actions For Penalties**

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any administrative order or determination of the Superintendent promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the City of Olean for a civil penalty not to exceed one thousand dollars (\$1000) for each such violation, to be assessed after a hearing (unless the User waives the right to a hearing) held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the City of Olean attorney, or his designated attorney, at the request of the Superintendent in the name of the City of Olean, in any court of competent jurisdiction giving preference to courts local to the City of Olean. In addition to the above described penalty, the Superintendent may recover all damages incurred by the City of Olean from any persons or Users who violate any provisions of this Law, or who fail to perform any duties imposed by this Law or any administrative order or determination of the Superintendent promulgated under this Law, or the terms of any permit issued hereunder. In addition to the above described damages, the Superintendent may recover all reasonable attorney's fees incurred by the City of Olean in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other relative factors as justice may require.

Such civil penalty may be released or compromised by the Superintendent before the matter has been referred to the City of Olean attorney, and where such matter has been referred to the City of Olean attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the City of Olean attorney, with the consent of the Superintendent.

#### **2. Court Orders**

In addition to the power to assess penalties as set forth in this Article, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

- (1) Suspending, revoking, or modifying the violator's Wastewater Discharge Permit, or
- (2) Enjoining the violator from continuing the violation.

Any such court order shall be sought in an action brought by the City of Olean attorney, at the request of the Superintendent, in the name of the City of Olean, in any court of competent jurisdiction giving precedence to courts local to the City of Olean.

The City of Olean attorney, at the request of the Superintendent shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court

shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

### **3. Criminal Penalties**

Any person who willfully violates any provision of this Law or any final determination or administrative order of the Superintendent made in accordance with this Article shall be guilty of a Class A Misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000), or imprisonment not to exceed one (1) year or both. 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.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

### **4. Additional Injunctive Relief**

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Superintendent, through counsel may petition the Court, in the name of the City of Olean, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Superintendent.

### **5. Summary Abatement**

Notwithstanding any inconsistent provisions of this Law, whenever the Superintendent finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Superintendent, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Superintendent may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as 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, or in the event of a User's failure to comply voluntarily with an emergency order, the Superintendent may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Superintendent shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

If the User is not within the geographic boundaries of the City of Olean the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the inter-municipal agreement.

The Superintendent, 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 to preserve the POTW or the environment.

### **D. Miscellaneous**

#### **1. Delinquent Payments**

If there shall be any payments which are due to the City of Olean, or any Department thereof, pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the City of Olean, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to ten percent (10%) of the original bill.

In the event that there are any sewer taxes, water taxes, assessments, or other service charges which shall have been assessed within the previous calendar year as of February 15 of any year, the Superintendent shall report the names of the defaulting persons to the City of Olean Mayor, the City of Olean Clerk, the City of Olean Chief Assessor, and the City of Olean Treasurer on or before March 1st of the same year. The City of Olean Chief Assessor is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this Law, to the real property taxes due and owing to City of Olean in the next succeeding year, and the City of Olean Chief Assessor is directed to collect the same in the same manner as real property taxes due and owing to the City of Olean are collected.

Where charges are delinquent and the violator is not a resident of the City of Olean, or is located outside the geographical boundaries of the City of Olean, then the City of Olean attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the User is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in the Law, to the real property taxes due to the County in the next ensuing year.

## **2. Performance Bonds**

The Superintendent may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

## **3. Liability Insurance**

The Superintendent may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

## **4. Informant Rewards**

The Superintendent is authorized to pay up to \$500 for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the User, the Superintendent is authorized to disperse up to ten (10) percent of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$10,000, including the discovery reward.

## **5. Public Notification**

The Superintendent Shall provide public notification, in the daily newspaper with the largest circulation in the City of Olean, of Users which were in significant non-compliance of local or Federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.

## **6. Contractor Listings**

(1) Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City of Olean.

(2) Existing contracts for the sale of goods or services to the City of Olean held by a User found to be in

significant violation with pretreatment standards may be terminated at the discretion of the City of Olean Council.

#### E. Violations of Article

- (1) Any person found to be violating any provision of this article, except section **27-48**, shall be served by the Control Authority, through registered mail, a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (2) The Control Authority may request any user responsible for a noncompliant discharge to the City collection or treatment facilities to show cause why enforcement action should not be taken. A notice shall be served on the user designating the time and place of the hearing to be held regarding the violations, the reasons why the action is to be taken, the proposed enforcement action, and requesting the user to show cause why the proposed enforcement action should not be taken.
- (3) The Control Authority may issue notice of such hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings. Testimony will be taken under oath, recorded, and kept on file for inspection by the public or any interested party.
- (4) After the Control Authority has reviewed the evidence, it may issue a directive to the user responsible for the discharge specifying corrective action to be taken and a schedule for completion of this action.
- (5) In addition to any fines or penalties under this ordinance the Control Authority may seek temporary restraining orders, plug or disconnect service or permanent injunctions if there is any imminent danger to health, safety, or property as the result of the violation. Any violation of this article of the Code of Ordinances and any violation of directives and permits issued by the Control Authority shall be the subject of the City's Enforcement Response Plan as approved by the United States Environmental Protection Agency and as may be changed from time to time.
- (6) Any person who fails to comply with the provisions of this article after the time period established in subsection (a) and/or the Enforcement Response Plan may be liable to monetary forfeitures. If such fines are to be levied, the violator shall be notified in writing through registered mail as to the nature of the violation and the amount of the fine. The fine for significant noncompliance is \$1,000 per day. In addition, the Control Authority, after proper notification of violations and imposing of fines through registered mail, may preside over and conduct a show cause hearing. Depending upon the outcome of the hearing, the Control Authority may revoke or suspend the user's permit to discharge. The permit may be reissued by the Control Authority after the user demonstrates that he is in compliance with all provisions of this article.
- (7) The continued violation of any provision of any section of this article, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.
- (8) As an alternative, upon violation of this article, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings, including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains to restrain, correct or abate such violation to prevent the occupancy of any building, structure, or land where such violations of this article are found.
- (9) Any person violating any of the provisions of this article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.
- (10) Any person violating the terms of the provisions of this article that pertain to FWPCAA shall be liable to civil and criminal penalties and fines which will be levied in accordance with judicial procedures.

- (11) At least annually, the POTW will publish in the largest daily newspaper in the City of Olean notification of industrial users that were in significant noncompliance with applicable pretreatment requirements during the previous 12 months.
- (12) **Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this article, or permit to discharge, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall be liable to civil and criminal penalties and fines which will be levied in accordance with judicial procedures. Sec. 27-45 Unlawful deposits on public or private property.**

**[Code 1971, § 31-25; Res. No. 22-05, 3-22-2005]**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste. Exceptions may be granted by the Common Council to an owner or lessee acting in the normal course of farm or garden operations but only after specific application to the Director by such owner or lessee and upon such conditions as the Common Council may impose.

**Sec. 27-46 Unlawful discharge of polluted waters; pertinent laws and requirements.**

**[Code 1971, § 31-26; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

- (a) It shall be unlawful for any person to discharge to any watercourse, either directly or through any storm sewer, within the City, or in any area under the jurisdiction of the City, any sewage, industrial wastes, or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the City. No combined sewers will be allowed to be constructed in the future.
- (b) Disposal into the sewer system of any pollutant by any person is unlawful except in compliance with federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1977, and any more stringent state and local standards.
- (c) Any new and existing industry discharging into any City-owned sewer will be required to complete successfully a permit application and receive a written permit to discharge issued by the IPP Administrator. As a condition for this permit, the industrial applicant must provide information describing wastewater constituents and characteristics, and type of activity involved. The information to be submitted will be at the direction of the IPP Administrator, who will indicate constituents and characteristics to be tested and procedures for conducting such tests. Permission to discharge will be for a period of three years. All industry shall apply for permission to continue discharging a minimum of 90 days prior to expiration of existing permit. The permit shall include at a minimum the following five conditions: (1) a statement of duration; (2) a statement of nontransferability; (3) applicable federal, state, and local effluent limits; (4) self-monitoring, sampling, reporting, notification, and record-keeping requirements; (5) a statement of applicable civil and criminal penalties. During the effective period of a permit to discharge, the IPP Administrator is authorized to modify any condition(s) contained within that permit. The industry shall be informed of any proposed changes at least 30 days prior to the effective date of change. Any changes or new conditions shall include a reasonable time schedule as set up by the IPP Administrator.
- (1) A permit to discharge is issued to a specific industry, not a location, and therefore is not transferable. Should any industry discharging to the city's sewers modify any of its processes so as to increase or decrease the flow or pollutant loading by greater than 20% of the present industrial discharge, such industry shall seek written permission for a permit to discharge from the IPP Administrator for that modification prior to initiating this modification of discharge. The IPP Administrator shall require from the industry the same type of information that any existing or new industry initiating an industrial discharge to City-owned sewers is required to provide. The IPP Administrator is

authorized to monitor all industrial discharges and at his discretion shall order City monitoring or self-monitoring of the industrial discharges. Such monitoring will be directed by the IPP Administrator.

- (2) The industrial user shall be responsible for record retention and shall retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof related to monitoring, sampling, and chemical analyses made by or on behalf of the user in connection with its discharge. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activity brought against the IU shall be retained and preserved by the industrial users until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
- (d) The IPP Administrator is authorized to ensure compliance of industrial users (as defined in 40 CFR 403) with federal, state, or local pretreatment standards and any other applicable requirements promulgated by EPA in accordance with Section 307 of FWPCAA. In addition to any other remedy as provided by any law or rule, the IPP Administrator is authorized to ensure compliance of industrial users as defined in 40 CFR 403 by revocation of any permit issued pursuant to this section for violation of any provision of this section.

**Sec. 27-47 Right of entry to inspect, etc.; reports to City.**

**[Code 1971, § 31-60; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

- (a) The inspector, the director and other duly authorized employees of the City, NYSDEC, and EPA bearing proper credentials and identifications shall be permitted to enter upon all properties of the industry, for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. Wastewaters shall be accessible, through such means as a control manhole, for purposes of inspection, observation, measurement, sampling and testing. In addition, the inspector, director or other duly authorized employees of the City, NYSDEC, and EPA bearing proper credentials and identifications shall be permitted to review and copy any existing monitoring records of any industrial user to verify compliance or violation.
- (b) When the IPP Administrator has reason to believe an industry's discharge should be monitored in order to ensure compliance with the provisions of this article, then at his discretion the industry in question will be required to file one or more reports on the constituents and characteristics of its discharge. The industrial user shall construct a sampling manhole, install monitoring equipment, and monitor if IPP Administrator determines such sampling point and monitoring is required. This information to be submitted, and the methods for collecting data, shall be at the direction of the IPP Administrator. The City may monitor and analyze or cause to be monitored or analyzed the industrial waste streams of any industry if the IPP Administrator has reason to believe an industry's discharge should be monitored in order to insure compliance with the provisions of this article. The City can also back-charge the industry for this monitoring and analysis.

**Sec. 27-48 Injuring, etc., City sewerage works prohibited.**

**[Code 1971, § 31-58; Res. No. 22-05, 3-22-2005]**

It shall be unlawful for any person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment, including control manholes, which is a part of the City sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**Sec. 27-49 Severability.**

**[Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

If any provision, paragraph, word, section or article of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraph, words, sections, and chapters shall not be affected and shall continue in full force and effect.

**Sec. 27-50 Conflict.**

**[Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.

**Sec. 27-51 Emergency suspensions.**

**[Res. No. 66-09, 10-27-2009]**

The IPP Administrator may immediately suspend a user's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The IPP Administrator may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the IPP Administrator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The IPP Administrator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the IPP Administrator that the period of endangerment has passed, unless the termination proceedings in § 27-42(E.6) of this chapter are initiated against the user.
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the IPP Administrator prior to the date of any show-cause or termination hearing under § 27-42(E.6) of this chapter.

**Sec. 27-52 through Sec. 27-80. (Reserved)**

**DIVISION 2  
CONTRACTORS**

*Subdivision I*

*General Provisions*

**Sec. 27-81 Contractors required to present certificate of insurance before issuance of permit.**

**[Code 1971, § 31-29; Res. No. 22-05, 3-22-2005]**

A contractor must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or private sewage disposal.

**Sec. 27-82 through Sec. 27-98. (Reserved)**

*Subdivision II*

*License*

**Sec. 27-99 Certificate of competency from Examining Board of Plumbers prerequisite to issuance of license to connect with City sewers.**

**[Code 1971, § 31-64; Res. No. 22-05, 3-22-2005]**

The Director of Public Works shall not issue a license to anyone to connect with City sewers unless such person has obtained and produces a certificate of competency from the Examining Board of Plumbers.

### **DIVISION 3 EXTENSIONS**

**Sec. 27-116 Construction of sewer extensions by city; petition of property owners.  
[Code 1971, § 31-44; Res. No. 22-05, 3-22-2005]**

Sewer extensions, including individual building sewers from the public sewer to the property line, may be constructed by the City under public contract if, in the opinion of the Common Council, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for the building sewer from the public sewer to his residence or place of business in accordance with the requirements of this article. Property owners may propose sewer extensions within the incorporated City by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Common Council. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Common Council.

**Sec. 27-117 Construction of sewer extensions by property owners, builders, or developers.  
[Code 1971, § 31-45; Res. No. 22-05, 3-22-2005]**

If the City does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if such extension is approved by the Common Council in accordance with the requirements of section **27-118**. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in section **27-118**. The installation of the sewer extension must be subject to periodic inspection by the Director and expenses for this inspection shall be paid for by the owner, builder, or developer. The Director's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in section **27-119** before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers. Such extension, when built, shall become a public sewer, subject to complete control and authority of the City.

**Sec. 27-118 Design of sewer extensions; plans and specifications.  
[Code 1971, § 31-46; Res. No. 22-05, 3-22-2005]**

- (a) All extensions to the sanitary sewer system owned and maintained by the City shall be properly designed in accordance with and in strict conformance with all requirements of the State Department of Health. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from the Director and the State Department of Health before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.
- (b) Sewer design shall be in accordance with the following provisions. Pipe materials shall be either extra-strength vitrified clay conforming to ASTM Specification C-200; or reinforced concrete conforming to ASTM Specification C-76; or Plastic Truss Pipe ASTM D-1788-62T Type I or IV ABS material in municipal sewer pipe quality. No standard strength clay pipe or nonreinforced concrete pipe shall be used. Minimum internal pipe diameter shall be eight inches. Joints for each kind of pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-on" type are employed. Gaskets shall be continuous, solid, natural, or synthetic rubber and shall provide a positive compression seal in the assembled joint such that the requirements of section **27-119** are met. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations. Wye branch fittings shall be installed for connection to building sewers in accordance with section **27-138**. Trench widths as measured just above the crown of the pipe shall not exceed the following:



**Pipe Diameter****(inches)**

8

10

12

14

**Trench Width****(feet, inches)**

3,3

3,6

3,9

4,0

If the trench widths are found, during field inspection, to exceed the limits in the table in subsection (b) of this section, the sewer pipe shall be encased with a minimum of six inches of concrete. Pipe shall be firmly and evenly bedded on a minimum of three inches of 1A or 1 crushed stone (NYSDPW Specification). Pipe thickness and field strength shall be calculated on the following criteria:

Safety factor	1.5
Load factor	1.5
Weight of Soil	120 lbs./cubic feet
Wheel Loading	16,000 lbs.

- (c) Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers."
- (d) Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall be constructed with a poured 3,000 psi concrete base 12 inches thick, steel troweled concrete or mortar bench walls and inverts, and precast four-foot diameter concrete manhole barrel sections with concentric tapered top section, as specified by ASTM C-478. The manhole frame and cover shall be the standard design of the City and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed against infiltration. No manholes shall be constructed without steps or ladder rungs.

**Sec. 27-119 Requirements of final exfiltration test to be satisfied.**

**[Code 1971, § 31-47; Res. No. 22-05, 3-22-2005]**

- (a) All sewers shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the City. This test consists of filling the pipe with water to provide a head of at least five feet above the top of the pipe or five feet above groundwater, whichever is higher, at the highest point of the pipeline under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled with water for at least 24 hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end, or in one of the sewer manholes available for convenient measuring.
- (b) When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for either type of test shall be as ordered or approved but in no event shall they exceed 1,000 feet. In the case of sewers laid on steep grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum allowable internal pressure on the pipe

and joints at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two hours in either type of test.

- (c) The total leakage of any section tested shall not exceed the rate of 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be considered as sections of forty-eight-inch-diameter pipe, five feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours, for forty-eight-inch-diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit, and the test shall be repeated until the leakage requirement is met.

**Sec. 27-120 To become property of city; guarantee.**  
**[Code 1971, § 31-48; Res. No. 22-05, 3-22-2005]**

All sewer extensions constructed at the property owner's, builder's, or developer's expense, after final approval and acceptance by the Director, shall become the property of the City and shall thereafter be maintained by the City. Such sewers, after their acceptance by the City, shall be guaranteed by the owner's builder or developer against defects in materials, or workmanship for 18 months. The guarantee shall be in a form provided for by the City. At the sole discretion of the City, a completion bond or certificate check may be demanded as part of the guarantee.

**Sec. 27-121 through Sec. 27-135. (Reserved)**

#### DIVISION 4 BUILDING SEWERS AND CONNECTIONS

**Sec. 27-136 Building sewer permit — Required.**  
**[Code 1971, § 31-30; Res. No. 22-05, 3-22-2005]**

It shall be unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.

**Sec. 27-137 Same — Classes; application; fees.**  
**[Code 1971, § 31-31; Res. No. 103-95, 12-26-1995; Res. No. 22-05, 3-22-2005]**

There shall be two classes of building sewer permits: (1) for residential and small commercial service, and for service to large commercial and industrial establishments. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. In cases where the building sewer will connect to an outlet sewer, a tap-in fee of \$100 for a residential and small commercial sewer permit shall be paid to the Director or his designated representative at the time of application. For purposes of this division, a small commercial service shall be a service not reasonably expected to exceed 7,500 cubic feet per three months of discharge into the sewer system. A maximum of four residential apartment units may be connected to a single retention sewer. No fee shall be charged for connection to a petition sewer. The tap-in fee to outlet sewers for large commercial and industrial establishments shall be \$350. The Director shall determine the class of applicants.

**Sec. 27-138 Separate and independent building sewers to be provided.**  
**[Code 1971, § 31-32; Res. No. 22-05, 3-22-2005]**

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures, there shall be

provided at least one separate building sewer for each group of four living units, the size and capacity of the same to meet requirements of the New York State Uniform Fire Prevention and Building Code applicable to plumbing.

**Sec. 27-139 Existing building sewers.**

**[Code 1971, § 31-33; Res. No. 22-05, 3-22-2005]**

Existing building sewers may be used in connection with new buildings only when there are found, on examination and test by the inspector, to meet all requirements of this division.

**Sec. 27-140 Tapping of public sewers.**

**[Code 1971, § 31-34; Res. No. 22-05, 3-22-2005]**

No tapping of the public sewer shall be permitted except four-inch branch into an eight-inch sewer and six-inch branch into a ten-inch or larger sewer, and in each specific case only by permission of the Director. Making of the tap shall be under the supervision of the Director.

**Sec. 27-141 Building sewer pipe specifications.**

**[Code 1971, § 31-35; Res. No. 22-05, 3-22-2005]**

The building sewer shall be schedule 40 or heavier plastic pipe (PVC or ABS), service-weight cast iron pipe or extra-heavy cast iron pipe. Joints shall be tight and waterproof. Building sewer pipe of cast iron shall have a maximum length of 10 feet between joints, or shall meet requirements of the State Building Construction Code applicable to plumbing.

**Sec. 27-142 Size and slope of building sewers.**

**[Code 1971, § 31-36; Res. No. 22-05, 3-22-2005]**

The size and slope of the building sewer shall be subject to the approval of the inspector, but in no event shall the diameter be less than four inches, nor shall the slope of the pipe be less than 1/4 inch per foot.

**Sec. 27-143 Installation of building sewers.**

**[Code 1971, § 31-37; Res. No. 22-05, 3-22-2005]**

Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than three feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

**Sec. 27-144 Procedure where building drains are too low to permit gravity flow to public sewers.**

**[Code 1971, § 31-38; Res. No. 22-05, 3-22-2005]**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.

**Sec. 27-145 Excavations.**

**[Code 1971, § 31-39; Res. No. 22-05, 3-22-2005]**

- (a) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. Pipe laying and backfill shall be performed in accordance with sections 3 through 6 of ASTM Specification C12, except that the trench width measured at the top of the installed pipe shall not exceed 24 inches. All trench bottoms shall be shaped to cradle the pipe.

Selected and rammed backfill at sides of pipe and covering pipe shall be required.

- (b) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the City.

**Sec. 27-146 Joints and connections.**

**[Code 1971, § 31-40; Res. No. 22-05, 3-22-2005]**

- (a) All joints and connections shall be made gastight and watertight. No cement joints will be permitted.
- (b) Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead not less than one-inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe material shall be made with special adaptors and joint materials approved by the inspector.
- (c) Premolded gasket joints for hub and plain end cast iron pipe may be used if approved by the inspector, and shall be a neoprene compression-type gasket which provides a positive double seal in the assembled joint. The gasket shall be a premolded, one-piece unit, designed for jointing the cast iron hub and plain end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, nontoxic material and shall not chemically attack the gasket materials.

**Sec. 27-147 Connection of building sewers into existing public sewers; permit for street openings; owners to bear costs and expense.**

**[Code 1971, § 31-41; Res. No. 22-05, 3-22-2005]**

The connection of the building sewer into an existing public sewer shall be made at the public sewer. Trench excavation proposed to be made in any portion of the public street or city-controlled right-of-way, including areas of sidewalk, "subway" or berm, roadway, paved or unpaved, shall not be laid out, commenced nor performed in any degree until a specific permit for street opening shall have been obtained from the Director. Persons, firms or corporations having met the requirements of the City as to capability to perform the work, filing of insurance bonds, proven responsibility, and in good standing for payment of accounts due the City, will be eligible for issuance of such permit. All regulations of the City in regard to street openings shall apply. All costs and expenses incident to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Plumbing and Building Inspector.

**Sec. 27-148 Inspections.**

**[Code 1971, § 31-42; Res. No. 22-05, 3-22-2005]**

- (a) The applicant for the building sewer permit shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector, or his representative.
- (b) When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the inspector before the trenches are filled. The person performing such work shall notify the inspector when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject the person to whom a permit is issued to a penalty of \$25 for each offense.

**Sec. 27-149 Procedure when frequent maintenance of building sewers is anticipated.**  
**[Code 1971, § 31-43; Res. No. 22-05, 3-22-2005]**

When any building sewer is to serve a school, hospital, or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the inspector, will receive sewage or industrial wastes of such volume or character that frequent maintenance of such building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The inspector shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the inspector. If required, a new manhole shall be installed in the public sewer pursuant to section **27-118**, and the building sewer connection made thereto as directed by the inspector.

**Sec. 27-150 through Sec. 27-165. (Reserved)**

**DIVISION 5**  
**RATES AND CHARGES**

**Sec. 27-166 Normal Sewage Service Charges**

All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge proportional to the liquid volume of waste so deposited, which charge shall be collected as a sewer rent.

**Sec. 27-167 Surcharge for Abnormal Sewage**

All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage and depositing inflow per Sec. 27-43 shall pay a surcharge. This surcharge shall be 1.5 times the rate set for normal sewage as set per Sec. 27-180.

**Sec. 27-168 Segmenting the POTW**

The service area of the POTW may be segmented to assist in a fair distribution of user charges, especially if there is a pump station serving a segment.

**Sec. 27-169 Measurement of Flow**

The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the City of Olean Water Department. In the event that a person discharging wastes into the POTW produces evidence, to the Superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from un-metered sources, the Superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this Section shall be of a type and design acceptable to the Superintendent and shall be installed, maintained, and periodically tested as required by the Superintendent, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Superintendent. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the Superintendent, at the owner's expense.

**Sec. 27-170 Billing Period**

The Billing Period shall be monthly for industrial and non-industrial users.

**Sec. 27-171 Pretreatment Program Costs**

The additional charges and fees associated with the operation of the pretreatment program shall be assessed the User, and include:

- (1) reimbursement of costs of setting up and operating the pretreatment program

- (2) issuing permits
- (3) monitoring, inspections, and surveillance procedures
- (4) costs of equipment and supplies
- (5) reviewing accidental discharge procedures
- (6) construction inspections
- (7) filing appeals
- (8) application for consistent removal status as outlined in 40 CFR 403
- (9) other reasonable expenses to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the Federal government

**Sec. 27-172 Charges for Trucked and Hauled Wastes**

The charge for treatment and disposal of trucked or hauled waste which has been introduced into the POTW shall be as established by the City of Olean Council. The manner of determining the volume dumped shall be at the discretion of the Superintendent.

**Sec. 27-173 Capital Recovery**

The City of Olean may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of industrial wastewaters from those persons discharging such wastewaters into the POTW.

**Sec. 27-174 Collection of Charges**

Provisions of Sec. 27-44 of this Law relating to the collection of penalties shall apply to the collection of Sewer Service Charges and Abnormal Sewage Service Surcharges, unless where otherwise provided by application of the Sewer Rent Law by City of Olean.

**Sec. 27-175 Fiscal Year for System**

The POTW shall be operated on the basis of a fiscal year commencing on the first day of June and ending on the thirty-first day of May.

**Sec. 27-176 Impact Fees**

The City of Olean Council shall have the authority to impose impact fees on new development, which development may:

- (1) - cause enlargement of the service area of the POTW
- (2) - cause increased hydraulic and/or treatment demands on the POTW

**Sec. 27-177 Use of Revenues**

Revenues derived from user charges and associated penalties, and impact fees, shall be credited to a special fund called the Sewer Fund of the City of Olean. Monies in this fund shall be used exclusively for the following functions:

- (a) For the payment of the operation and maintenance, including repair and replacement costs of the City of Olean POTW,
- (b) For the discovery and correction of inflow and infiltration,
- (c) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the City of Olean POTW,
- (d) For the extension, enlargement, replacement of, and/or additions to the City of Olean POTW, including any necessary appurtenances.

**Sec. 27-178 Records and Accounts**

The City of Olean shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The City of Olean will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.

In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.

Classification of old and new industrial users should also be reviewed annually.

The City of Olean shall maintain and carry insurance on all physical properties of the POTW, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

**Sec. 27-179 Sewer rentals — Structure divisions.**

**[Code 1971, § 31-65; Res. No. 22-05, 3-22-2005]**

- (a) There is hereby imposed a schedule of sewer rentals.
- (b) For the purpose of fixing and imposing the collection of sewer rentals, all structures using that part of the sewer system of the City located within its boundaries are divided into three groups as follows:
  - (1) Group I shall consist of residence dwellings occupied by not more than two family units. Group I shall also include all church structures.
  - (2) Group II shall include all commercial and retail establishments and all commercial establishments and structures wherein living quarters are maintained in the same structure. Group II shall also include all apartments consisting of more than two residence units and all hospitals, schools and fraternal and social groups and public buildings.
  - (3) Group III shall consist of all industrial and manufacturing structures or units.

**Sec. 27-180 Rates.**

**[Code 1971, § 31-66; Res. No. 120-93, §§ 1, 2, 9-15-1993; Res. No. 41-94, 7-26-1994; Res. No. 33-03, 5-27-2003; Res. No. 124-04, 12-14-2004; Res. No. 22-05, 3-22-2005; Res. No. 23-06, 3-28-2006; Res. No. 58-06, 5-9-2006; Res. No. 26-07, 4-10-2007; Res. No. 24-08, 3-11-2008; Res. No. 72-08, 8-26-2008]**

- (a) For sewer rates provided within the boundaries of the city, the rates shall from time to time be amended by the Common Council with the establishment of a resolution: Prior to passage of any resolution modifying sewer rates, the Council shall hold a public hearing.
- (b) For sewer services provided outside the City of Olean, the rates shall from time to time be amended by the Common Council with the establishment of a resolution.

**Sec. 27-181 Same — Billing and collection.**

**[Code 1971, § 31-67; Res. No. 22-05, 3-22-2005]**

- (a) The Department of Public Works is hereby authorized to continue the monthly billing of all units included in Groups I, II and III.
- (b) Sewer rents shall be billed and collected pursuant to the provisions of the Olean Code of Local Laws, Ch. LL7, Art. III, Div. 3.

**Sec. 27-182 through Sec. 27-185. (Reserved) DIVISION 6  
DISCHARGE LIMITATIONS**

**Sec. 27-186 Unlawful to discharge stormwater, etc., to sanitary sewers.**

**[Code 1971, § 31-50; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

- (a) Stormwater and all others of unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, and approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Director, to a storm sewer but

only in accordance with SPDES requirements and any other state or federal regulation.

- (b) No industry shall increase the discharge of clean process water, noncontact water, or in any way dilute such industry's discharge as a method of achieving compliance with any pollutant discharge limits. Each existing or new industry shall take appropriate steps to provide protection from any accidental discharge or slug discharge of prohibited pollutants into the sewage works. Such appropriate steps may include the development, submission, and approval of the IPP Administrator of a detailed slug control plan. Any measure taken shall be at the owner's expense.
- (c) Plans, specifications, and any other pertinent information relating to proposed facilities shall be submitted for the approval of the IPP Administrator, and no construction of such facilities shall be commenced until such approvals are obtained in writing. Such approvals, however, shall not relieve the user of the responsibility of meeting any required effluent limitations.
- (d) In all cases of accidental or slug discharges, it is the responsibility of the industry to immediately notify the POTW of the discharge. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. All employees shall be aware of the need to inform the POTW and shall be advised of the emergency notification procedures. Within one week following the accidental discharge the industry shall submit to the IPP Administrator a detailed written report describing the cause of the discharge and measures to be taken by the industry to prevent future occurrences.

**Sec. 27-187 Discharge of certain waters and wastes to public sewers prohibited.**

**[Code 1971, § 31-51; Res. No. 18-92, 2-25-1992; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005; Res. No. 66-09, 10-27-2009; Res. No. 35-11, 6-28-2011]**

- (a) Generally. Except as provided in this division, it shall be unlawful for any person to discharge, or cause to be discharged any of the following described waters or wastes within the POTW.
- (b) Prohibited.
  - (1) Any gasoline, benzine, naphtha, fuel oil or mineral oil, or other flammable or explosive liquid, solid, or gas.
  - (2) Any noxious or malodorous gas such as hydrogen sulfide, sulphur dioxide, or nitrous oxide, or other substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
  - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the inspector.
  - (4) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids or any other substance, solid, viscous or in any other form, capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.
  - (5) Any stormwater, roof drains, spring water, cistern or tank overflow, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air conditioning machine or refrigeration unit.
  - (6) Any waste considered as a hazardous waste under 40 CFR 261.
  - (7) Any 1, 1, 1-Trichloroethane above background concentrations; any pollutant which creates a fire or explosion in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F. or 60° C. using the test method specified in 40 CFR 261.21; pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that might cause acute



worker health and safety problems; petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

- (8) Any trucked or hauled pollutants, except that discharge points designated by the city; the discharge of any pollutant that causes pass through; oxygen-demanding pollutants [such as biochemical oxygen demand (BOD)], released in a discharge at a flow rate or pollutant concentration that will cause interference.
  - (9) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
  - (10) 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.
  - (11) 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 40° C. (104° F.) unless the approval authority, upon request of the POTW, approves alternate temperature limits.
  - (12) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
  - (13) Any wastewater or similar by-product from high-volume fracking, oil drilling, or natural gas drilling operations.
- (c) Limited.
- (1) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalis must be neutralized at all times within a permissible pH range of 6.0 to 9.0.
  - (2) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the IPP Administrator in compliance with applicable state or federal regulations.
  - (3) Any liquid or vapor which would cause the influent to the treatment plant to have a temperature higher than 104° F.
  - (4) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32° F. and 104° F.
  - (5) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, exceeding an average of 50 mg/1 n-hexane extractable soluble matter.
  - (6) No person shall discharge or cause to be discharged any waters or waste containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage conveyance or treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the sewage treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it is discharged from the industry. **[Amended 9-25-2012 by Res. No. 65-12]**

#### **24-Hour Composite**

<b>Limits of Toxic Substances in Sewage</b>	<b>(mg/l)</b>
Chromium (hexavalent)	1.5
Chromium (total)	4.0

## 24-Hour Composite

Limits of Toxic Substances in Sewage	(mg/l)
Copper (total)	2.1
Cadmium (total)	1.0
Cyanide (amenable)	0.2
Zinc (total)	3.5
Nickel (total)	0.9
Arsenic (total)	0.02
Lead (total)	5.0
Mercury (total)	0.05
Silver (total)	5.0
Trichloroethylene	1.0

- (7) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division for that particular industrial subcategory. The IPP Administrator shall notify all affected users of the more stringent limits and applicable reporting requirements. The national categorical pretreatment standards, located in 40 CFR Chapter 1, Subchapter N, Parts 405-471, are hereby incorporated into this article by reference.
- (8) Any pollutant which creates a fire or explosion in the city's sewage treatment plant, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F. or 60° C. using the test method specified in 40 CFR 261.21.
- (9) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.

### Sec. 27-188 Grease, oil and sand interceptors.

[Code 1971, § 31-52; Res. No. 22-05, 3-22-2005]

- (a) Information regarding the City of Olean's Fats, Oil, and Grease (FOG) Management Program can be obtained in the Office of the Department of Public Works or can be found online at <http://www.cityofolean.org/dpw/pdf/CeaseTheGrease.pdf>.
- (b) Grease, oil and sand interceptors shall be provided when the limits in section **27-187** for those substances are exceeded or when, in the opinion of the IPP Administrator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the IPP Administrator, and shall be located as to be readily and easily accessible for cleaning and inspection.

- (c) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (d) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Plumbing and Building Inspector at any time.

**Sec. 27-189 Admission of waters or wastes into public sewers; preliminary treatment facilities.**  
**[Code 1971, § 31-53; Res. No. 22-05, 3-22-2005]**

- (a) The admission into the public sewers of any waters or wastes having (1) a five-day biochemical oxygen demand concentration greater than 250 mg/l or (2) containing more than 250 mg/l of suspended solids, shall be subject to review by the IPP Administrator.
- (b) Where necessary, in the opinion of the IPP Administrator, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the chlorine requirements to 20 mg/l or (2) reduce objectionable characteristics or constituents to within the maximum limits provided for in section **27-187**, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the IPP Administrator, and no construction of such facilities shall be commenced until such approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the IPP Administrator will constitute a major violation of this section.
- (c) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**Sec. 27-189.1 Notification requirements.**  
**[Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

All categorical and noncategorical industrial users shall notify the City immediately of all discharges that could cause problems to the City of Olean POTW treatment plant. These discharges shall include, but not be limited to:

- (1) Slug loadings.
- (2) Pollutants which create a fire or explosion hazard in the POTW.
- (3) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 6.0.
- (4) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
- (5) 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.
- (6) 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 40° C. (104° F.).

**Sec. 27-189.2 Notice of violation/resampling requirement.**  
**[Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

If sampling by an industrial user indicates a violation, the user must notify the IPP Administrator within 24 hours of becoming aware of the violation. The user must also resample and submit results of this

resampling to the IPP Administrator within 30 days. [Reference 40 CFR 403.12(g)]

**Sec. 27-189.3 Notice of hazardous wastes discharge.**  
**[Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

All industrial users must notify in writing the IPP Administrator, the New York State Department of Environmental Conservation, and the United States Environmental Protection Agency of any discharge that would be considered a hazardous waste if disposed of in a different manner.

(Reference 40 CFR 403.12(p))

**Sec. 27-190 Installation of control manholes.**  
**[Code 1971, § 31-54; Res. No. 22-05, 3-22-2005]**

When required by the IPP Administrator, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the IPP Administrator. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**Sec. 27-191 Measurements, tests and analyses of the characteristics of waters and wastes.**  
**[Code 1971, § 31-55; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in sections **27-187** and **27-189**, shall be determined in accordance with analytical methods as published in 40 CFR Part 136, titled "Guidelines Establishing Test Procedures for the Analysis of Pollutants," upon suitable samples taken at the control manhole provided for in section **27-190**. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

**Sec. 27-192 Division prevents special agreements or arrangements relative to acceptance of certain wastes for treatment.**  
**[Code 1971, § 31-56; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

No special agreement or arrangement between the City and any industrial concern for treating an industrial waste of unusual strength or character shall be allowed if the special agreement results in a violation of applicable pretreatment standards or requirements.

**Sec. 27-193 When standards apply; laboratory methods; alternate methods; sampling, compliance schedules and reports.**  
**[Code 1971, § 31-57; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]**

- (a) All of the preceding standards (noncategorical waste standards) in this division are to apply at the point where the industrial wastes are discharged into the POTW and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of analytical methods as published in 40 CFR 136 titled "Guidelines Establishing Test Procedures for the Analysis of Pollutants." The frequency and duration of the sampling of any industrial waste shall be determined by the IPP Administrator based upon the contaminants with respect to its harmfulness to the treatment facility or receiving stream but no less frequently than semi-annually. The IPP Administrator shall have authority to require monitoring in excess of 24 hours for the purpose of measuring flow. Variations from this schedule would be at the discretion of the IPP Administrator. A report outlining the nature and concentration of pollutants shall be submitted to the IPP Administrator no more than 30 days after any required sampling is completed. In the case of an industry which is or would be subject to a categorical pretreatment

standard, a baseline monitoring report shall be submitted within 180 days after the effective date of the standard. In the case of an industry that is not yet discharging categorical waste to the POTW and is subject to a categorical pretreatment standard, a baseline monitoring report will be submitted to the IPP Administrator at least 90 days prior to the first discharge. This information shall at least include identifying information, permits, description of operations, flow measurements, pollutant measurements certification and a compliance schedule if necessary. Baseline monitoring reports must contain a statement reviewed by an authorized representative of the IU and certified by a qualified professional about the user's compliance with applicable categorical standards. A compliance schedule shall be established by the IPP Administrator based upon the extent of noncompliance. A series of status reports to the City will be outlined and target dates established for stepwise compliance.

- (b) Where such industrial waste stream monitoring has been required by the IPP Administrator to demonstrate compliance with applicable pretreatment standards or other standards, the industry shall submit within 90 days following the date for final compliance (or, if a new source, following the commencement of its discharge), to the IPP Administrator, a report that contains flow and pollutant measurements, a certification of whether pretreatment standards are being consistent, and, if not, a description of needed additional O&M or pretreatment. Reports on compliance with categorical standards (ninety-day compliance reports) must contain a statement reviewed by an authorized representative of the IU and certified by a qualified professional about the user's compliance with applicable categorical standards and whether any pretreatment or operation and maintenance (O&M) is required to attain compliance. If the industry is not meeting the standards, the report shall outline additional pretreatment or operations necessary to bring the industry into compliance. A compliance schedule shall be established by the IPP Administrator based upon the extent of noncompliance. A series of status reports to the City will be outlined and target dates established for stepwise compliance. Prior to any changes or construction, a review by the IPP Administrator and written permit must be granted before any construction is to begin. Baseline monitoring reports, ninety-day compliance reports, and periodic compliance reports from categorical industrial users must be signed by an appropriate official of the categorical industrial users and shall contain such certification statement as provided in 40 CFR 403.6(a)(2)(ii) attesting to the integrity of the analytical data submitted.
- (c) Information and data on industry obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency inspections without restriction unless the industry specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industry. 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 article, the National Pollutant Discharge Elimination System (NPDES) permit, State Pollutant Discharge Elimination System (SPDES) permit, and/or the 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. Wastewater constituents and characteristics will not be recognized as confidential information. Status reports must be submitted within 14 days of compliance milestones and upon the final compliance date.

## **Sec. 27-194 Parameters of Concern**

### **Class A - Halogenated Hydrocarbons**

A01. Methyl Chloride

A02. Methylene Chloride

A03. Chloroform

A04. Carbon Tetrachloride

A05. Freon/Genatron  
A06. Other Halomethanes  
A07. 1,1,1-Trichloroethane  
A08. Other Haloethanes  
A09. Vinyl Fluoride  
A10. Vinyl Chloride  
A11. Dichloroethylene  
A12. Trichloroethylene  
A13. Tetrachloroethylene  
A14. Chlorinated Propane  
A15. Chlorinated Propene  
A16. Hexachlorobutadiene  
A17. Hexachlorocyclopentadiene  
A18. Chlorinated Benzene  
A19. Chlorinated Toluene  
A20. Fluorinated Toluene  
A21. Polychlorinated Biphenyl (PCB)  
A22. Chlorinated Naphthalene  
A23. Dechlorane ( $C_{10}Cl_{12}$ )  
A24. Hexachlorocyclohexane (BHC)

A99. Halogenated Hydrocarbons Not Specified Above

**Class B - Halogenated Organics (Other than Hydrocarbons)**

B01. Phosgene  
B02. Methyl Chloromethyl Ether  
B03. Bis-Chloromethyl Ether  
B04. Other Chloroalkyl Ethers  
B05. Benzoyl Chloride  
B06. Chlorothymol  
B07. Chlorinated Phenol  
B08. Chlorinated Cresols or Xylenols  
B09. Chlorendic Acid  
B10. Chloroaryl Ethers  
B11. Dichlorophene or Hexachlorophene  
B12. Chlorinated Aniline (Including Methylene Bis)(2-Chloroaniline)  
B13. Dichlorobenzidine  
B14. Chlorinated Diphenyl Oxide  
B15. Chlorinated Toluidine  
B16. Kepone ( $C_{10}Cl_{10}O$ )  
B17. Dichlorovinyl Sulfonyl Pyridine  
B18. Chloropicrin  
B19. Trichloromethyl Thio-Phthalimide  
B20. Trichloro-Propylsulfonyl Pyridine  
B21. Tetrachloro-Methylsulfonyl Pyridine  
B22. Tetrachloro-Isophthalonitrile

B99. Halogenated Organics Not Specified Above

**Class C - Pesticides (Includes Herbicides, Algacides, Biocides, Slimicides and Mildewcides)**

C01. Aldrin/Dieldrin  
C02. Chlordane and Metabolites  
C03. DDT and Metabolites  
C04. Endosulfan/Thiodan and Metabolites  
C05. Endrin and Metabolites  
C06. Heptachlor and Metabolites  
C07. Malathion  
C08. Methoxychlor

C09. Parathion  
C10. Toxaphene  
C11. Sevin  
C12. Kelthane  
C13. Diazinon  
C14. Dithane  
C15. Carbaryl  
C16. Silvex  
C17. Dithiocarbamates  
C18. Maneb  
C19. Dioxathion  
C20. Tandex/Karbutilate  
C21. Carbofurans  
C22. Pentac  
C23. Folpet  
C24. Dichlone  
C25. Rotenone  
C26. Lindane/Isotox  
C27. Simazine  
C28. Methoprene

C99. Pesticides Not Specified Above

**Class D - Aromatic Hydrocarbons**

D01. Benzene  
D02. Toluene  
D03. Xylene  
D04. Biphenyl  
D05. Naphthalene  
D06. Ethylbenzene  
D07. Styrene  
D08. Acenaphthene  
D09. Fluoranthene

D99. Aromatic Hydrocarbons Not Specified Above

**Class E - Tars**

E01. Coal Tar  
E02. Petroleum Tar

E99. Tars Not Specified Above

**Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogenated)**

F01. Phenol, Cresol or Xylenol  
F02. Catechol, Resorcinol, or Hydroquinone  
F03. Nitrophenols  
F04. Nitrobenzenes  
F05. Nitrotoluenes  
F06. Aniline  
F07. Toluidines  
F08. Nitroanilines  
F09. Nitroanisole  
F10. Toluene Diisocyanate  
F11. Dimethylaminoazobenzene  
F12. Benzoic Acid (and Benzoate Salts)  
F13. Phthalic, Isophthalic or Terephthalic Acid  
F14. Phthalic Anhydride  
F15. Phthalate Esters

F16. Phenoxyacetic Acid  
F17. Phenylphenols  
F18. Nitrobiphenyls  
F19. Aminobiphenyls (Including Benzidine)  
F20. Diphenylhydrazine  
F21. Naphthylamines  
F22. Carbazole  
F23. Acetylaminofluorene  
F24. Dyes and Organic Pigments  
F25. Pyridine

F99. Substituted Aromatics Not Specified Above

**Class G - Miscellaneous**

G01. Asbestos  
G02. Acrolein  
G03. Acrylonitrile  
G04. Isophorone  
G05. Nitrosamines  
G06. Ethyleneimine  
G07. Propiolactone  
G08. Nitrosodimethylamine  
G09. Dimethylhydrazine  
G10. Maleic Anhydride  
G11. Methyl Isocyanate  
G12. Epoxides  
G13. Nitrofurans  
G14. Cyanide

**Class M - Metals and Their Compounds**

M01. Antimony  
M02. Arsenic  
M03. Beryllium  
M04. Cadmium  
M05. Chromium  
M06. Copper  
M07. Lead  
M08. Mercury  
M09. Nickel  
M10. Selenium  
M11. Silver  
M12. Thallium  
M13. Zinc

M99. Metals Not Specified Above

**Sec. 27-195 through Sec. 27-210. (Reserved)**