

LOCAL LAW NO. ____ OF 2018

TOWN BOARD
TOWN OF BEDFORD
PROPOSED LOCAL LAW
CHAPTER 99 OF THE
CODE OF THE TOWN OF BEDFORD

A LOCAL LAW to create Chapter 99, of the Town Code concerning Public Sewer System.

BE IT ENACTED by the Town Board of the Town of Bedford as follows:

Section 1. Chapter 99 of the Code of the Bedford entitled “Public Sewer System.” is hereby created as follows:

§ 91-1. Purpose.

This chapter sets forth uniform requirements for contributors to the wastewater collection and treatment system (the “Sewer System”) for the Bedford Hills-Katonah Business Sewer District of the Town of Bedford (BH-KBSD) and enables the Town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR 403) issued pursuant thereto. It also establishes the procedures for making connections to the Sewer System and the specific limits for pollutant discharges which, by their nature or by their interaction with sewage, will be detrimental to the public health, cause damage to the Sewer System, pollute the waters of the state or otherwise create a public nuisance.

§ 91-2. Objectives.

The objectives of this chapter are:

- A. To inform the public as to the technical and administrative procedures to be followed in connecting to the Sewer System.
- B. To prevent the introduction of pollutants into the Sewer System that will interfere with the operation of the Sewer System or contaminate the resulting sludge.

- C. To prevent the introduction of pollutants into the Sewer System which will pass through the Sewer System, inadequately treated, into receiving waters, or the atmosphere, or otherwise be incompatible with the Sewer System.
- D. To improve the opportunity to recycle and reclaim wastewaters and sludge from the Sewer System.
- E. To prohibit illicit connections, activities and discharges to the Sewer System.
- F. To establish legal authority to carry out all inspection, surveillance, monitoring procedures and penalties necessary to ensure compliance with this chapter.
- G. To provide for sewer rents to pay the costs of operation and maintenance of the Sewer System.

§ 91-3. Applicability; administration and enforcement.

- A. This chapter shall apply to users of the Sewer System and all properties located within the Sewer System.
- B. The Commissioner of Public Works and the Building Inspector, and their authorized representatives, shall administer, implement, and enforce the provisions of this chapter.

§ 91-4. Definitions.

- A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings listed below:

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.

BH-KBSD or SEWER DISTRICT

The Bedford Hills-Katonah Business Sewer District established by the Bedford Town Board.

BIOCHEMICAL OXYGEN DEMAND (BOD)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in terms of weight and concentration [milligrams per liter (mg/L)].

BUILDING INSPECTOR

The Building Inspector of the Town of Bedford, or his authorized representative.

BUILDING SANITARY DRAIN

That part of a wastewater drainage system which receives the discharge of wastewater inside the walls of the building and within five feet of the building and conveys such discharge to the private lateral.

PRIVATE LATERAL

That part of the wastewater drainage system located on private property conveying wastewater from the Building Sanitary Drain to the Public Lateral.

CATEGORICAL STANDARDS

Federal Categorical Pretreatment Standards or pretreatment standards.

CLEAN WATER ACT (CWA)

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

COMMISSIONER OF PUBLIC WORKS or COMMISSIONER

The Commissioner of Public Works of the Town of Bedford or his authorized representative.

COOLING WATER

The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

COUNTY

Westchester County, New York.

COUNTY HEALTH DEPARTMENT

The Westchester County, New York, Department of Health.

DESIGN PROFESSIONAL

A New York State licensed professional engineer or licensed architect.

DIRECT DISCHARGE

The discharge of treated or untreated wastewater directly to waters of the State of New York.

DRAIN LAYER

A plumber or other person licensed by the County for the purpose of laying building sanitary drains or private laterals or connecting the same to the Sewer System.

ENVIRONMENTAL PROTECTION AGENCY or EPA

The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.

FEDERAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARDS

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

GREASE INTERCEPTOR

A plumbing appurtenance that is installed in a sanitary drainage system to intercept oily and greasy wastes from a wastewater discharge. Such device has the ability to intercept free-floating fats and oils. Sometimes called a grease trap.

GREASE REMOVAL DEVICE or GRD

A plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils and grease automatically without intervention from the user, except for maintenance.

HAZARDOUS MATERIALS

Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HOLDING TANK WASTE

Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE

The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317) into the POTW, including holding tank waste discharged into the Sewer System.

INDIVIDUAL WASTEWATER TREATMENT SYSTEM

A facility serving one or more parcels of land or residential households, or a private, commercial, or institutional facility that treats sewage or other liquid wastes for discharge into the groundwaters of New York State.

INDUSTRIAL USER

A user of the BH-KBSD Sewer System that discharges waste of any industrial process distinct from domestic or sanitary sewage. All substances carried in industrial wastes, whether dissolved, in suspension or mechanically carried by liquid, shall be considered industrial wastes.

INTERFERENCE

The inhibition or disruption of the POTW treatment processes or operations or contribution to a violation of any requirements of the Town's SPDES permit. The term includes prevention of sewage sludge use or disposal by a POTW in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

NYSDEC

The New York State Department of Environmental Conservation.

PERSON

Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

pH

The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTION

The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT

That portion of a Publicly Owned Treatment Works (POTW) designed to provide treatment to wastewater.

PREMISES

Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

PRETREATMENT or TREATMENT

The reduction of the amount of pollutant, 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 Treatment Plant. The reduction or alteration can be obtained by physical, chemical or biological processes.

PRIVATE LATERAL

That part of the Sewer System located on private property, conveying wastewater from the Building Sanitary Drain to a Public Lateral.

PUBLIC LATERAL

That part of the wastewater drainage system located on public property, or within an easement granted from the property owner to the Town for a grinder pump discharge line, conveying wastewater from the Private Lateral to the Sewer System.

PUBLICLY OWNED TREATMENT WORKS (POTW)

The publicly owned treatment works, as defined by Section 212 of the Federal Water Pollution Control Act (33 U.S.C. § 1292) which is owned by the Town or the BH-KBSD. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

SEWER PERMIT

A permit issued by the Building Inspector authorizing connection to the BH-KBSD.

SEWER RENT

Charges paid by a user of the Sewer System to the BH)KBSD for the operation, maintenance, repair or replacement of the Sewer System,

STATE

The State of New York.

STATE POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT or SPDES PERMIT

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

STREET OPENING PERMIT

A permit issued by the Department of Public Works for construction within the right-of-way of Town of Bedford streets.

SEWER SYSTEM

The wastewater collection and treatment system, both publicly and privately owned, for the BH-KBSD.

TOWN

The Town of Bedford, New York.

TOXIC POLLUTANT

Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307(a) or other acts.

TOWN BOARD

The Town Board of the Town of Bedford, New York.

UPGRADE PROPERTIES

Three (3) properties located within the Sewer District that were the subject of certain Upgrade Agreements with the New York State Environmental Facilities Corporation (“EFC”) and which were entitled to Regulatory Upgrades to be funded by the EFC. These properties are:

- (i) Property owned by the Katonah Lewisboro Sewer District commonly known as Katonah Elementary School (KES), located in Katonah (Town of Bedford), New York (the “KES Premises”). The KES Premises are located on tax lot number 60.6-2-21 KES is currently served by an on-site wastewater treatment plant (the “KES WWTP”);
- (ii) Property owned by Bedford Park at Westchester LLC commonly known as 43 Rome Avenue (Building G), 41 Rome Avenue (Building F), and 39 Rome Avenue (Building D) located in Bedford Hills, New York (the “BPW Premises”). The BPW Premises are located on a portion of tax lot number 60.15-3-30 (the “BPW Tax Parcel”). The BPW Premises are served by an on-site wastewater treatment plant (the “BPW WWTP”).
- (iii) Property owned by the St. Mary of the Assumption School (the “School”), with an adjoining rectory and second residential structure, located in Katonah (Town of Bedford), New York (the “St. Mary’s Premises”). The St. Mary’s Premises are located on tax lots number 49.19-1-10 and number 49.18-3-15. The School is currently served by an on-site wastewater treatment plant (“St. Mary’s WWTP”).

USER

Any person who contributes, causes or permits the contribution of wastewater into a POTW.

WASTEWATER

Water that is not storm water, is contaminated with pollutants and is or will be discarded.

B. Word usage.

(1) The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(2) "Shall" is mandatory; "may" is permissive.

C. Abbreviations. The following abbreviations shall have the designated meanings:

ASTM

American Society for Testing and Materials.

BH-KBSD

Bedford Hills-Katonah Business Sewer District.

BOD

Biochemical oxygen demand.

CFR

Code of Federal Regulations.

CWA

Clean Water Act.

EPA

Environmental Protection Agency.

GRD

Grease Removal Device.

Mg/l

Milligrams per liter.

NYSDEC

New York State Department of Environmental Conservation.

POTW

Publicly owned treatment works.

SPDES

State Pollutant Discharge Elimination System.

SS

Suspended solids (total).

§ 91-5. Use of the sewer system.

The owner of any lot within the BH-KBSD with buildings having plumbing facilities and used for human occupancy, employment, recreation or other purposes shall connect, at his or her expense, such facilities directly with the POTW in accordance with the provisions of this chapter, no later than six (6) months following notification by the BH-KBSD to do so. A fee as set forth in the Fee Schedule adopted by the Town Board shall be paid for failure to connect to the Sewer System within the six month period.

§ 91-6. Connection at owner's expense.

All costs and expenses for the installation and connection of the building sanitary drain and private lateral and to close any existing private sewage disposal system shall be borne by the property owner. The owner shall provide insurance and indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sanitary drain and private lateral, in accordance with the insurance schedule and indemnity provisions as adopted by the Town Board.

§ 91-7. Construction specifications.

A. Private lateral/public lateral connections.

- (1) The connection of the private lateral to an existing public lateral shall be made at the property line. If a public lateral has not previously been provided, the public lateral will be constructed from the existing POTW to the property line, by a licensed plumber, at the owner's expense. The public lateral shall be installed with a properly sealed and covered

clean-out to grade located at the property line. The clean-out shall terminate in a metal box imbedded in concrete.

- (2) Except as set forth in Section 91-7(A)(1) above, the cost of constructing the public lateral from the existing POTW to the property line shall be at the BH-KBSD's expense; all subsequent costs and expense incidental to the installation and connection of the private lateral shall be borne by the owner.
- (3) The property owner shall provide insurance for and indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the private lateral, in accordance with the insurance schedule and indemnity provisions as adopted by the Town Board.
- (4) It shall be the responsibility of the property owner to maintain, repair, or replace the private lateral, as needed.
- (5) The method of connection of the private lateral to the public lateral will be dependent upon the type of sewer pipe material, and, in all cases, shall be approved by the Commissioner and shall conform with all current and applicable requirements of the International Code Council and the New York State Code. After installation of the public lateral has been approved by the Commissioner, the new public lateral shall become the property of the Town. Any subsequent repairs to the new public laterals shall be made by the Town at the Town's expense.

B. Cleanout Repair/Replacement.

If, in the judgment of the Commissioner, it is determined that a private lateral, without a property line clean-out, needs repair or replacement, the Town may install a clean-out at the property line, at the property owner's expense, such that the public lateral can be maintained independently of the private lateral.

C. Testing.

The public lateral, private lateral, or the combined lateral shall be tested for infiltration/exfiltration by:

- (1) Any full pipe method approved by the Commissioner, or
- (2) By a suitable joint method, with the prior written approval of the Commissioner.

D. Connection Inspection.

The applicant for the private lateral permit shall notify the Commissioner when the private lateral has been installed and is ready for inspection and connection is to be made to the public lateral. The connection shall be made under the supervision of the Commissioner.

E. Trench Inspections.

When trenches are excavated for the laying of private lateral pipes or for laying of public lateral pipes, such trenches shall be inspected by the Commissioner. Before the trenches are backfilled, the person performing such work shall notify the Commissioner when the laying of the private lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the Commissioner.

F. Public Safety Provisions Required; Restoration of Disturbed Areas.

All excavations for constructing private laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Appropriate erosion and sediment controls shall be installed in accordance with all applicable regulations and the requirements of the Department of Public Works. Streets, sidewalks, parkways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Commissioner. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. The person performing the restoration shall complete road and shoulder restoration to the Town Standards and in conformance with the Street Opening Permit required in Section 91-13 herein.

§ 91-8. Closing of Individual Wastewater Treatment Systems.

Where the connection to the involves the closing of an existing septic tank, cesspool or similar type of individual wastewater treatment system, such system shall be immediately decommissioned in conformance with State and County health regulations and guidance and under the direction of the Building Inspector. Requirements for individual wastewater treatment systems utilizing galleys shall be determined by the Building Inspector on an individual basis. If the Building Inspector cannot be present for the closing of the individual wastewater treatment system, a certification by the licensed septic contractor will be required.

§ 91-9. Discharge and Use Restrictions.

A. General discharge prohibitions.

- (1) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference with the operation or performance of a POTW. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to Federal Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- (a) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or to be injurious in any other way to a POTW or to the operation of a POTW. At no time shall two successive readings on an explosion-hazard meter at the point of discharge into the system, or at any point in the system, be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, alcohols and any other substances which the Town of Bedford, New York State or the EPA has notified the user is a fire hazard or a hazard to the system.
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer pipe or other interference with the operation of the wastewater treatment facilities, such as but not limited to, grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, gas, tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (c) Any wastewater having a pH less than 5.0 or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of a POTW.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of a POTW or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- (e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the Sewer System for their maintenance and repair.
- (f) Any substance which may cause a POTW's effluent or any other product of a POTW, such as residues, sludge or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to a POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act,^[1] the Clean Air Act,^[2] the Toxic Substances Control Act^[3] or state criteria applicable to the sludge-management method being used.

- (g) Any substance which will cause a POTW to violate its SPDES permit or the receiving water quality standards.
 - (h) Any wastewater with objectionable color not removed in the treatment process.
 - (i) Any wastewater having a temperature which will inhibit biological activity in a POTW treatment plant resulting in interference but in no case wastewater at a temperature that causes the influent to the POTW to exceed 40° C. (104° F).
 - (j) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than 15 minutes or more than five times the average twenty-four-hour concentration, quantities or flow during normal operation.
 - (k) Garbage grinders and the discharge of shredded garbage from such grinders shall not be permitted.
 - (l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.
 - (m) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (n) Any wastewater containing any hazardous materials.
- (2) When the Town determines that a user is contributing to a POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Town shall advise the user of the impact of the contribution on the POTW and develop limitations for such user to correct the interference with the POTW. The Commissioner, Building Inspector or their representatives shall be permitted, after notice and at reasonable times, to inspect a user's property to determine the user's compliance with the provisions of this law.
- B. Unpolluted waters. No person shall discharge or cause to be discharged any unpolluted waters, such as storm water, roof runoff, subsurface drainage or cooling water, to the POTW.
- C. Septage wastes. No person shall discharge or cause to be discharged into any part of the Sewer System, either directly or indirectly, any septage, holding tank wastes that are anaerobic, overflow or effluent from a septic tank, cesspool subsurface drainage trench or other receptacle storing organic wastes.

- D. Specific pollutant limitations. No person shall discharge wastewater containing in excess of:
- (1) Three hundred mg/L BOD.
 - (2) Three hundred fifty mg/L SS.
 - (3) Five-hundredths mg/L arsenic.
 - (4) One-tenth mg/L cadmium.
 - (5) One and zero-tenths mg/L copper.
 - (6) One-tenth mg/L cyanide (amendable).
 - (7) One-tenth mg/L lead.
 - (8) One-hundredth mg/L mercury.
 - (9) One and zero-tenths mg/L nickel.
 - (10) One-tenth mg/L silver.
 - (11) One and zero-tenths mg/L total chromium.
- E. State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations, or those in this chapter.
- F. Excessive discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the Town or state.
- G. Accidental discharges from industrial users. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owners or users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review and shall be approved by the Town before connection to the POTW. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify in writing the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.
- H. Damage to facilities. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Sewer System. Any person violating this provision shall be subject to immediate arrest under charges of disorderly conduct.
- I. Existing privately owned screening facilities. Existing privately owned screening facilities, including sewage grinders, shall be operated and maintained in good operating condition in accordance with manufacturer's operating and maintenance guidelines in order to eliminate load of large debris to the POTW. A fee shall be paid as set forth in the Fee Schedule adopted

by the Town Board for the failure of the owner/operator to properly operate and maintain the privately owned screening facilities.

§ 91-10. Discretionary actions by Commissioner.

- A. If any waters or wastes are discharged or are proposed to be discharged to the Sewer System, which waters contain the substances or possess the characteristics enumerated in § 91-9 of this chapter and which, in the judgment of the Commissioner, may have a deleterious effect upon the Sewer System, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Commissioner may:
- (1) Reject the wastes; or
 - (2) Require pretreatment to an acceptable condition for discharge to the Sewer System; or
 - (3) Require control over the quantities and rates of discharge.

§ 91-11. Required grease interceptor and GRDs.

- A. Grease interceptors or GRDs shall be provided when, in the opinion of the Commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such grease interceptors or GRDs shall not be required for private living quarters or dwelling units. All grease interceptors and GRDs shall be of a type and capacity approved by the Commissioner, and shall be located so as to be readily and easily accessible for cleaning and inspection.
- B. It shall be the responsibility of the owner/operator to install, maintain, repair or replace a grease interceptor or GRD, as the case may be, at the owner's/operator's expense, to ensure said building plumbing system is in compliance with the New York State Uniform Fire Prevention and Building Code or other applicable rules and regulations.
- C. Each and every food service establishment as defined in Chapter 873, Article V, Section 873.411 of the Westchester County Code and as licensed by the Westchester County Department of Health shall cause to be installed an operating grease interceptor or GRD, to which all grease and grease-containing liquids generated in the normal course of business shall be directed. Each and every food processing establishment and/or retail food store as identified and as licensed by the New York State Department of Agriculture and Markets shall cause to be installed an operating grease interceptor or GRD, to which all grease and grease-containing liquids generated in the normal course of business shall be directed.
- D. All grease interceptors and GRDs shall be of a type and capacity approved by the Commissioner, and shall be located so as to be readily and easily accessible for cleaning and inspection. All work must conform to the New York State Uniform Fire Prevention and Building Code or other applicable rules and regulations of the Town.

- E. Cleaning and inspection of grease interceptors. All new and existing grease interceptors shall be cleaned and inspected by a licensed waste disposal firm on a quarterly basis, at the owner's/operator's expense. For each grease interceptor cleaning, the owner/operator shall maintain a log of manifests recording the name of the contractor, date of haulage, results of inspection and quantity of contents removed from the grease interceptor. The log shall be submitted to the Commissioner twice per year, by January 31 and July 31. After one full year of such quarterly cleaning and inspection, the Commissioner may require more or less frequent cleaning and inspections for each grease interceptor. In making his determination, he shall consider the size of the grease interceptor, the type of establishment utilizing the grease interceptor, the inspection reports, the log of manifests, and any other considerations he sees fit. A fee shall be paid as set forth in the Fee Schedule adopted by the Town Board for the failure of the owner/operator to properly clean or inspect the grease interceptor or to file required reports.
- F. GRDs are not subject to the cleaning and inspection provisions of grease interceptors as set forth in Section 91-11(E) above. However, the owner/operator of a GRD shall maintain a log of manifests recording the date of haulage and quantity of contents removed from the GRD. This log shall be submitted to the Commissioner twice per year, by January 31 and July 31.
- G. The Commissioner, Building Inspector or their representatives shall be permitted, after providing notice and at reasonable times, to inspect a user's grease interceptor or GRD to determine the user's compliance with the provisions of this law.

§ 91-12. Grinder pump units and pressure sewer systems.

- A. General. Grinder pump units and pressure sewer systems from time to time are economically feasible where a gravity sewer system is cost prohibitive. Under these circumstances the following regulations shall apply.
- B. Responsibility. The lots listed below within the BH-KBSD with buildings having plumbing facilities and/or used for human occupancy, employment, recreation or other purposes in existence on the date a contract is awarded for installation of a low pressure sewer line abutting the property line of a lot shall have a Town-owned grinder pump installed in accordance with plans approved by the Town and the Westchester County Department of Health and maintained by the Town, and shall grant the Town an easement to install and maintain the Town-owned grinder pump and the connection from the grinder pump to the sewer line. Connection from the building to the grinder pump shall be made by the owner in accordance with plans approved by the Town and the Westchester County Department of Health.

Lots With Town-Owned Grinder Pumps:

Section 49.15 Block 3 Lot 9

Section 49.15 Block 3 Lot 10
 Section 49.15 Block 3 Lot 12
 Section 49.15 Block 3 Lot 17
 Section 49.15 Block 3 Lot 19
 Section 49.15 Block 3 Lot 22
 Section 49.15 Block 3 Lot 24
 Section 60.07 Block 2 Lot 40
 Section 60.07 Block 2 Lot 41
 Section 60.07 Block 2 Lot 42
 Section 60.14 Block 3 Lot 12

The costs of installation and maintenance of all other grinder pumps shall be the sole responsibility of the property owner.

- C. Grinder pump connections. All gravity connections to grinder pumps shall be made in accordance with the following specifications and those specifications for the contract as amended:
- (1) Sewer connections shall be laid solidly on a true grade of not less than $\frac{1}{4}$ inch per foot. They shall be laid in a straight line. Change in direction, if necessary, shall be made with proper fittings. All pipes shall be clear of dirt or other foreign materials the work progresses.
 - (2) The fill over and around the pipe up to a depth of one foot over the top of the pipe must be carefully selected materials free from clay, large stones, or debris. It shall be carefully compacted.
 - (3) Adequate cleanouts shall be installed not over 50 feet apart so that at all times the route of the flow can be rodded or cleaned mechanically between the building and the grinder pump unit.
 - (4) All materials used must be in accordance with prevailing Town standards.
 - (5) All materials used must be inspected by the Commissioner. No work shall be inspected or approved unless the trench is open for its entire length and all pipe and joints visible. Any trench backfilled before such inspection is made and the work approved shall be reopened for its entire length by the party performing the work. The party performing the work shall notify the Commissioner giving at least 24 hours notice in advance of the time when the connection will be laid and ready for inspection such sewers, as are specifically designated by the Town.
 - (6) No connection will be permitted for draining stormwater, roof water, surface water from roads, driveways, lawns, groundwater runoff, subsurface drainage, cooling water, cellar drains, including sump pumps, or other ponded water. Stormwater and all other

unpolluted water shall be discharged to such storm sewers as are specifically designated by the Town.

D. Electrical.

- (1) The property owner shall be responsible for the cost of electricity to operate all grinder pump units.
- (2) For Town-owned grinder pumps, the Town shall be responsible for the cost of supply, delivery and installation of electrical parts, materials, labor and equipment required for complete and proper operation for the grinder pump station including a portable generator connection described in Section d(4) below. The property owner shall grant the Town and its contractors access to the property to the owner's premises and electrical panel and allow the Town to install the necessary electrical connections to the grinder pump station and alarm panel. All electrical work, equipment and apparatus provided and installed shall conform to the New York State Uniform Fire Prevention and Building Code or the National Electrical Code.
- (3) For grinder pumps owned by the property owner, the property owner shall be responsible for the cost of supply, delivery and installation of all electrical parts, materials, labor and equipment required for complete and proper operation of the grinder pump station, including a portable generator connection, as described in Section D(4) below. All electrical work, equipment and apparatus provided and installed shall receive an Electrical Permit and shall conform to the New York State Uniform Fire Prevention and Building Code or the National Electrical Code.
- (4) Portable Generator Connection. A portable generator connection shall be required for all grinder pumps. The portable generator connection shall be a surface-mounted NEMA 3R enclosure with padlock provisions with generator receptacle compatible with the Town's portable generator unit. The size of the enclosure shall be eight inches by six inches by four inches minimum. This unit shall be mounted outside the building on the building wall unless otherwise determined by the Town.
- (5) Emergency power of grinder pump units. The Town will make its best effort to supply emergency power to Town-owned grinder pumps. Privately owned grinder pumps shall be the responsibility of the property owner.

§ 91-13. Sewer, street opening and plumbing permits required.

- A. Sewer permits. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any part of the Sewer System within the right-of-way of a public street without first obtaining a Sewer Permit and, if applicable, a Street Opening Permit from the Commissioner. All work shall be performed by a plumber licensed by the County of Westchester. All costs and expenses incident to the installation of and connection to the

Sewer System shall be borne by the owner. The owner shall provide insurance and indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation to the POTW, in accordance with the insurance schedule and indemnity provisions as adopted by the Town Board.

The owner shall make application for construction, repair or replacement of a public lateral or private lateral in accordance with the requirements of Chapter 104 - Street Openings of the Town of Bedford Town Code. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commissioner. There shall be a permit and fee as set forth in the Fee Schedule adopted by the Town Board, which shall be paid at the time the application is filed. Said fee shall be in addition to any fees required by the Building Inspector for a Plumbing Permit.

- B. Plumbing permits. No building sanitary drain shall be constructed until a licensed plumber has filed and received a Plumbing Permit from the Building Inspector upon payment of a fee as set forth in the Fee Schedule adopted by the Town Board. Construction of repairs and replacements shall comply in all respects with the weight, quality, materials, arrangements, and venting as provided for in the New York State Uniform Fire Prevention and Building Code including the New York State Plumbing Code and the State Energy Conservation Construction Code. Each such sewer permit when issued shall authorize the installation of plumbing or drainage and shall include such inspections as are required under these codes.
- C. All costs and expenses incident to the installation and connection of the building sanitary drain and private lateral shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of these facilities.

§ 91-14. Reserve capacity.

- A. Capacity. The Town has a limited amount of uncommitted reserve capacity for the POTW Treatment Plant serving the BH-KBSD. The POTW Treatment Plant is operated by the Town in accordance with a SPDES Permit issued by the New York State Department of Environmental Conservation. The Town is obligated by law to comply with conditions of that SPDES permit, and to operate and manage the POTW Treatment Plant in accordance with the SPDES Permit and all other applicable Westchester County, New York State and Federal laws. Recognizing that there is insufficient capacity to service the entire Town and that the load on the POTW Treatment Plant therefore must be controlled, the Town Board will allocate the uncommitted reserve capacity in accordance with the provisions of this Section 91-14.
- B. Capacity allocation for structures in the sewer district. Any building with indoor plumbing fixtures within the sewer district will be permitted wastewater flow not greater than 115% of the previous three year average annual water flow as determined by the records of the Bedford Consolidated Water District. When the current wastewater flow exceeds this amount for an

annual running average, the user and/or property owner shall provide written documentation to the Commissioner within three months of receiving notice by the Town explaining the increase in wastewater flow and proposing methods to decrease the use of wastewater through a water conservation plan. The water conservation plan shall address, at a minimum, the following topics where applicable:

- (1) Leak inspection;
- (2) High Efficiency toilets;
- (3) Water sensing low flow plumbing fixtures;
- (4) High efficiency pre-rinse spray valves for all restaurants and food preparation facilities;
- (5) Commercial high efficiency clothes washers; and
- (6) Sub-metering of individual units of multi-use larger facilities.

If the Commissioner finds the water conservation plan acceptable, the property owner shall comply with the requirements of the plan. If the Commissioner finds the water conservation plan not to be acceptable, the plan shall be revised and resubmitted within one month of written notice by the Town. If the revised water conservation plan is not acceptable, the Commissioner may levy a fee as specified in the Fee Schedule adopted by the Town Board for each day the building exceeds 15% of the previous three year average annual flow.

When an approval of the Planning Board, Zoning Board of Appeals or Building Inspector or a change in tenancy results in a new or modified building with indoor plumbing fixtures or any increased wastewater flow from an existing building, the Commissioner may allocate the new wastewater flow in accordance with the requirements of Section 91-14(D)(1) below. The property owner of the new or modified building shall provide a water conservation plan as described in this section.

- C. Capacity allocation outside of the sewer district. As specified below, the Commissioner may allocate capacity on a first come, first served basis as provided in Section (D)(2) below to existing buildings on properties outside of the boundaries of the Sewer District and where the property boundary abuts a sewer main:

- (1) Cesspools. If the individual wastewater treatment system serving an existing building consists of a cesspool only, the property owner shall have the right, but not the obligation to make application to the Commissioner for connection of an existing building to the POTW in accordance with the requirements of Section 91-14(D)(2) below.
- (2) Failed individual wastewater treatment systems. In the event that any existing individual wastewater treatment system fails or exhibits a history of failures, the property owner shall

have the right, but not the obligation, to make application to the Commissioner for connection of an existing building to the POTW in accordance with the requirements of Section 91-14(D)(2) below, provided that one of the following conditions have been satisfied:

- (a) The individual wastewater treatment system has been determined in failure by the Westchester County Department of Health; or
- (b) The Town has received the certification of an individual wastewater treatment system failure from a Licensed Professional Engineer licensed in the State of New York or a septic contractor licensed by the County of Westchester.

D. Method of Allocation.

The Commissioner shall apply the following methods to allocate reserve sewage capacity flow to properties within or outside of the Sewer District, on a first come, first serve basis, as follows:

- (1) Properties within the Sewer District will be permitted up to 15,000 gallons per day, on a first come, first served basis.
- (2) Properties outside of the Sewer District will be permitted up to 15,000 gallons per day, on a first come, first served basis.

The Town Board may revise the allocation quantities at any time, but the Board shall review the allocation priorities for any of the following reasons, whichever first occurs:

- (1) Five years from the date of the Town Board adopting this chapter.
- (2) Use by Sewer District properties has reached 15,000 gallons per day of uncommitted reserve capacity.
- (3) Use by Out-of-District properties has reached 15,000 gallons per day of uncommitted reserve capacity.

§ 91-15. Powers and authority to inspect sewer system properties.

The Commissioner and the Building Inspector shall be permitted to enter all properties being served by Sewer System, upon providing reasonable notice to the property owner, for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

§ 91-16. Sewer rents.

- A. Establishment of sewer rents. The owners of all premises within the Sewer District or using the Sewer System shall be required to pay sewer rents for the payment of the costs of operating, maintaining, repairing and replacing the Sewer System.
- B. Determination of costs. Each year, the Town Board shall determine the total annual costs of operation and maintenance of the Sewer System that are necessary to maintain the capacity and performance during the life of the Sewer System for which such works were designed and constructed. The total annual costs of operation and maintenance shall include, but need not be limited to, labor, repairs, replacement, equipment replacement, maintenance, necessary modifications, debt service for capital improvements, power, sampling, laboratory tests and a reasonable contingency fund. This determination of costs shall serve as the basis for the calculation of rents.
- C. Calculation of rents. All sewer rents shall be as set forth in the Fee Schedule adopted by resolution of the Town Board. Sewer rents may include additional charges for sewerage or waste exhibiting a strength of sewage or waste greater than normal usage and charges unique to the classification of the user.
- D. Billing and payments of sewer rents. Bills for sewer rents shall be rendered to the user quarterly. Bills are due and payable one month from the date of the billing statement. Any bill not paid within 30 days shall be delinquent.
- E. Late payments, penalties, liens and collection.
 - (1) Penalties for nonpayment of sewer rent charges. No penalty shall be assessed if sewer rent charges are paid within 30 days from the date the bill is issued. The following penalties are prescribed for failure to pay sewer rent charges:
 - (a) If the sewer rent charge is delinquent, a penalty charge of 5% of the total amount of the bill shall be added to any delinquent bill. A further penalty of 1% per month shall be added for subsequent months in which the sewer rents are not paid.
 - (b) The Town Comptroller shall cause, on the next succeeding April 15, any unpaid sewer rents, charges and penalties in excess of 60 days to be added to the Town tax bills. At the time of transfer to the tax roll, delinquent accounts which are to be added to the tax rolls shall be assessed an additional penalty equal to 10% of the total outstanding balance to defray the costs of transferring such accounts to the tax roll.
 - (2) In accordance with General Municipal Law § 452, unpaid sanitary sewer rents in excess of 60 days shall constitute a lien upon the premises served by the Sewer System. This lien shall have priority and be senior to every other lien with the exception of the lien of an existing tax, assessment, or other lawful charge imposed by the state or of a political subdivision or district thereof.

- (3) Delinquent accounts, including sanitary sewer rents and penalties, shall be collected in a manner provided for in General Municipal Law § 452, Subsection 4.

F. Collected sanitary sewer rents; sewer rent fund.

All revenues generated from sewer rents, including penalties, shall be kept in a separate fund to be denominated as the “sewer rent fund.” All such funds, together with the interest thereon, shall be used in accordance with General Municipal Law § 453.

§ 91-17. The Upgrade Properties.

- A. The three (3) Upgrade Properties are in the process of entering into agreements with the Town with respect to the connection to the Sewer System. These agreements are mandated pursuant to an Agreement between the City of New York and the Town of Bedford, New York, for the Bedford Wastewater Project, which requires that the Town take certain actions to connect the Upgrade Properties to the Sewer System. These agreements set forth terms and conditions relating to, among other issues: (i) the costs and responsibility for connecting the Upgrade Properties to the Sewer System; (ii) installing lateral lines to conduct wastewater from each of the Upgrade Properties, including the rectory and house at St. Mary’s, to the Sewer System; (iii) decommissioning certain existing subsurface sewage treatment systems and waste water treatment plants on the Upgrade Properties in accordance with NYSDEC and Westchester County Department of Health (“WDOH”) guidelines; (iv) terminating the SPDES permits for each waste water treatment plant; (v) the amount of capacity each Upgrade Property is entitled to receive from the BH-KBSD; and (vi) the setting of sewer rents for the Upgrade Properties.
- B. To the extent the terms of the agreements conflict with the provisions included in this Chapter, the terms of such agreements shall control.
- C. Any costs associated with connecting the Upgrade Properties to the Sewer System and decommissioning the existing sewage disposal systems on the Upgrade Property will be reimbursed by the NYCDEP.
- D. The reason the Upgrade Properties are being exempted from certain terms and provisions of the this Chapter are that the Upgrade Properties had previously entered into separate upgrade agreements and amendments thereto with the NYCDEP for the upgrade of their sewer disposal systems, which upgrade agreements and amendments provided that the NYCDEP was responsible for the costs of upgrading the sewage disposal systems for the Upgrade Properties. In order to proceed with the creation of the BH-KBSD, and to obtain up to \$13.35 million in funding from the NYCDEP for design and construction of the Sewer System, the Town was required to include the Upgrade Properties in the BH-KBSD, and cover certain costs with respect to the connection of the Upgrade Properties to the Sewer System.

§ 91-18. Penalties for Offenses.

- A. Notice of violation. Any person found to be violating any provision of this chapter shall be served by the Commissioner or the Building Inspector, or their authorized representative, with 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.
- B. Penalty for continued violation. Any person who shall continue any violation beyond the time limit provided for in Section 91-17(A) shall be fined in an amount not exceeding \$250 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Violators liable to town. Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

Section 2. Numbering for Codification

It is the intention of the Town of Bedford and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Bedford; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 3. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 4. Effective Date

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

