

## Town of Brookhaven Sewer Use Ordinance

### Article I. Definitions

#### § AAA-1. Definitions and word usage.

##### A. As used in this article:

- (1) Words in the masculine gender also include the feminine and neuter genders.
- (2) Words in the singular also include the plural.
- (3) Words in the plural include the singular.

##### B. Unless the context specifically indicates otherwise, the meanings of the terms used in this article shall be as follows:

#### **ASTM**

The American Society for Testing and Materials, refer to the latest version of any standards referred to in this ordinance.

#### **BOD (denotes "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. (68° F.), expressed in milligrams per liter (mg/l).

#### **BUILDING DRAIN**

That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building and conveys such discharge to the building sewers beginning three feet outside of the outer face of the building wall.

#### **BUILDING SEWER**

That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a sewer. The materials used to connect the building sewer to the District's sewage collection system shall be deemed part of the building sewer.

**COD (denotes “chemical oxidation 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.

**COLLECTION SYSTEM**

A system of pipes, normally found in streets, into which the building sewer connects.

**COMMERCIAL PROPERTIES**

All properties located within the existing Sewer District, as expanded and as may be expanded from time to time in the future, that are not herein defined as being residential properties.

**COMPATIBLE INDUSTRIAL WASTES**

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

**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.

**COOLING WATER**

The water discharge from any system of condensation, air conditioning, cooling or refrigeration, and carrying no contamination other than abnormal heat.

**COUNTY**

The County of Suffolk in the State of New York.

**DISCHARGE**

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

**DISPOSAL SYSTEM**

The entire system of sewers, treatment facilities and their appurtenances for collecting and treating sewage, industrial waste and other wastes.

**DISTRICT**

The Town of Brookhaven Sewer District Number Two.

**DRAINAGE DISCHARGES**

Stormwater surface runoff, groundwater, roof runoff and the like.

**EASEMENT**

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

**EXTENSION**

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

**FLOW EQUALIZATION**

The damping of sanitary diurnal flow variation to achieve a constant flow rate to the sewage treatment works.

**FOOD ESTABLISHMENT**

A retail establishment serving prepared food or drink within an enclosed building for consumption within the building or off the premises, including, but not limited to, restaurants, bars, lunch counters, cafes, diners, fast-food establishments, food take-out establishments, pizza parlors and luncheonettes.

**GARBAGE**

Solid wastes from the domestic or commercial preparation, cooking and dispensing of food or 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.

**GREASE**

A material composed of fatty matter from animal or vegetable sources or hydrocarbons of petroleum origins. The terms "oil and grease" or "oil and grease substances" shall be deemed grease by definition.

**GREASE TRAP**

A water-tight device constructed to separate and trap or hold grease from the wastewater discharged from a food establishment in order to prevent grease from entering the sanitary sewer system, also referred to as a "grease interceptor" or "grease recovery device." The grease trap may be an internal grease trap located within the facility, an external grease trap located outside the food establishment, or both.

**HOUSE CONNECTIONS**

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

**INDUSTRIAL PROCESS WATERS or PROCESS WATERS**

The waters which are ordinarily a constituent part of and are polluted by industrial wastes.

**INDUSTRIAL WASTES**

Any liquid, gaseous, solid or other waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

**INSURANCE POLICY**

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

**INTERCEPTOR**

A device designated and installed so as to separate and retain deleterious, hazardous or otherwise undesirable matter such as grease, oil or sand from wastes.

**MUNICIPALITY**

The Town of Brookhaven.

**NATURAL OUTLET**

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

**NYSDEC**

The New York State Department of Environmental Conservation.

**OBJECTIONABLE, PROHIBITED or LIMITED WASTES**

(1) Any waste which is or is deemed to be toxic to or incompatible with a treatment process or to receiving waters or is not amenable to treatment in Town facilities or which causes the Town sewage treatment plant (POTW) to be in violation of its SPDES permit through interference or pass-through of any waste received at the POTW treatment plant.

(2) Prohibited wastes:

(a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F. or 60° C. using test methods specified in 40 CFR 261.21;

(b) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5;

- (c) Wastes containing solids which will precipitate greater than 300 parts per million upon acidification or alkalization or oxidation or reduction. Or solids in amounts which will cause obstruction to the flow in the POTW resulting in interference;
- (d) Wastes having a viscosity exceeding 1.10 poises (absolute viscosity) upon discharge or after acidification or alkalization.
- (e) 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;
- (f) Waste having a temperature upon discharge outside of the range of 32° F. to 150° F.
- (g) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 104° F. or 40° C.;
- (h) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
- (i) Any chemical, chemical compound or radioactive material which may pose a hazard or danger to Town personnel or sewage works and any chemicals or chemical compound having the following nature or characteristics or having similar objectionable characteristics, such as alcohols, arsenic and arsenicals, cyanide, heavy metals and other metal finishing process wastes or wastewaters, acid pickling wastes, mercury and mercurials, silver and silver compounds, sulfanamides, toxic dyes (organic or mineral), zinc, all strong oxidizing agents such as chromates, compounds producing hydrogen sulfide, methane, or any other toxic, inflammable or explosive gases either upon acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulfides, sulfites and the like, and inflammable or explosive liquids or solids;
- (j) Any trucked or hauled pollutants;
- (k) Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, grit, abrasives, metal filings or trimmings and the like.

**(l)** Any wastes which contains viable pathogenic bacteria in quantities larger than normally encountered in raw domestic sewage, or any matter which can reasonably be expected to contain such viable pathogenic bacteria in such quantities.

**(m)** Industrial waste having a color of an intensity in excess of 500 platinum-cobalt standard units, as determined under Part 204A of the 15th Edition of Standard Method for the Examination of Water and Wastewater. In testing such intensity, samples shall be diluted with distilled water to bring the range within 10 units to 50 units and shall be judged on a basis of intensity or transmission of light rather than true color (platinum-cobalt standard);

**(n)** Any water or waste containing free-floating fats, wax, grease or oils in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F.

**(3)** Industrial or domestic wastes having chemical characteristics in excess of the following limits:

**(a)** Five-day twenty-degree-Celsius BOD: 400 parts per million maximum.

**(b)** Suspended solids: 350 parts per million maximum.

**(c)** Chlorine demand: 25 parts per million maximum.

**(d)** Settleable solids (Imhoff cones test), one hour: 15 milliliters per liter maximum.

**(e)** Hydrogen ion concentration (pH): 5.5 to 9.5.

**(f)** Oil and grease: one hundred (100) mg/l.

**(4)** Materials which exert or cause unusual volume of flow or concentration of wastes constituting slugs as defined herein.

**(5)** Any garbage that has not been properly shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in sewers, with no particle greater than 1/2 inch in any dimension.

(6) Any waste, including business, commercial or industrial wastes, which exceeds allowable discharge levels as promulgated by the United States Environmental Protection Agency pursuant to Section 307(b) and (c) of the Federal Water Pollution Control Act and amendments, entitled "Industrial Pretreatment Requirements," and such other liquids, substances or materials that may be enumerated by the District to be objectionable or toxic in accordance with 40 CFR 403.5(a), (b) and (c).

(7) Any material defined by the District to have toxic or otherwise deleterious effect upon or to be incompatible with the sewage works, processes, equipment, groundwaters or watercourses.

(8) Any material which creates or constitutes a public nuisance.

(9) Any waste which does not conform to 40 CFR 403.5(b), National Pretreatment Standards.

#### **OTHER WASTES**

Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals and all other discarded matter not sewage or industrial waste.

#### **PASS-THROUGH**

Includes the discharge which exits the district POTW into waters of the state in quantities, which alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

#### **PERMIT**

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

#### **PERSON**

Any individual, partnership, firm, company, association, society, corporation or group.

#### **pH**

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

#### **POLLUTED**

The alteration of the biological, chemical, radiological or aesthetic integrity of water from the presence of sewage, industrial waste or other waste.

**PRETREATMENT**

Any treatment process or processes required to produce a discharge compatible with the Town's sewage works and which will conform to both qualitative and quantitative requirements of this article.

**PRETREATMENT REQUIREMENTS**

Includes 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**

Includes any categorical standard or prohibitive discharge standard.

**PRIORITY POLLUTANTS**

Includes the most recently revised or updated list, developed by the EPA, in accordance with the Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251, et seq., or as may be subsequently amended.

**PRIVATE**

When used as a modifier, those facilities not owned by the Town or a public entity.

**PRIVATE SEWAGE WORKS**

Any non-Town sewage works.

**PRIVATE SEWER**

Any sewer other than a public sewer.

**PROPERLY SHREDDED GARBAGE**

Garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in the sewers, with no particle greater than 1/2 inch in any dimension.

**PUBLIC**

Those facilities owned or operated by a sewage works corporation under the Transportation Corporations Law or by a governmental entity other than the municipality.

**PUBLICLY OWNED TREATMENT WORKS (POTW)**

Includes any treatment works, as defined by Section 212 of the Clean Water Act (33 U.S.C. § 1292), which is owned, or utilized, in this instance, by the Town, and shall include any sewers and appurtenances that transport wastewater to the POTW treatment plant, but shall not include any pipes, sewers or other conveyances not connected directly or indirectly to a facility providing treatment.

**PUBLIC SEWER**

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

**PUBLIC SEWER SYSTEM**

Synonymous with "sewage works."

**RECEIVING WATERS**

Watercourse, natural outlet or groundwaters.

**RESIDENTIAL PROPERTIES**

All single-family, two-family and three-family dwellings located within the existing Sewer District, as expanded and as may be expanded from time to time in the future.

**SANITARY SEWER**

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

**SCDHS**

The Suffolk County Department of Health Services.

**SCDPW**

The Suffolk County Department of Public Works.

**SEWAGE**

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

**SEWAGE, DOMESTIC (DOMESTIC WASTES)**

Includes liquid wastes from the noncommercial 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. Domestic sewage includes both black water and grey water.

**SEWAGE DISPOSAL SYSTEM**

The entire system of sewers, treatment facilities and their appurtenances for collecting and treating sewage.

## **SEWAGE, NORMAL**

(1) Includes sewage, industrial wastes or other wastes, which show by analysis the following concentrations:

- (a) BOD (five-day): four hundred (400) mg/l or less.
- (b) Suspended solids: three hundred fifty (350) mg/l or less.
- (c) Phosphorus: fifteen (15) mg/l or less.
- (d) Ammonia: eighty five (85) mg/l or less.
- (e) Total Kjeldahl nitrogen: eighty five (85) mg/l or less.
- (f) Chlorine demand: twenty-five (25) mg/l or less.
- (g) Chemical oxygen demand: three hundred fifty (350) mg/l or less.
- (h) Oil and grease: one hundred (100) mg/l or less.

(2) 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 TREATMENT PLANT**

Any arrangement of devices and structures used for treating sewage.

## **SEWAGE WORKS**

All facilities and appurtenances for collecting, pumping, treating and disposing of sewage, and shall be synonymous with "sewer system."

## **SEWER**

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

## **SEWERAGE SURCHARGE**

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

**SEWER SYSTEM or SEWER DISTRICT**

The entire system of sewers and their appurtenances for collecting sewage, industrial waste and other wastes.

**SLOPE**

The grade or pitch of a line of pipe in reference to a horizontal plane. In a drainage context it shall express the fall on a fraction of an inch per foot's length of pipe.

**SLUG**

Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flow during normal operation.

**SPDES (State Pollutant Discharge Elimination System)**

The system established pursuant to Article 17 of the Environmental Conservation Law for the issuance of permits authorizing discharges to the waters of New York State.

**STORM SEWER**

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

**SURETY BOND**

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

**SUSPENDED SOLIDS**

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

**TOXIC SUBSTANCE**

Any substance or combination of substances, including disease-causing agents, which, when discharged and exposed, ingested, inhaled or assimilated into any organism, either directly from the environment or indirectly through food chains, will, on the basis of information available to the NYSDEC, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunction, including malfunction in reproduction, or physical deformations in such organisms or their offspring.

**TREATMENT PLANT or SEWAGE TREATMENT PLANT**

Any arrangement of devices, structures and facilities used to treat or pump sewage, industrial wastes and/or other wastes.

**UNREASONABLE ADVERSE EFFECT**

Any unreasonable risk of harm.

**USEPA**

The United States Environmental Protection Agency.

**WAREWASH SINK**

Any sink, compartment sinks, containers, buckets, or other device or vessel in a food establishment where utensils, dishware equipment and other items coming into contact with food are cleaned.

**WASTE**

Any discarded substance.

**WATERCOURSE**

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

C. When used in this article, "shall" is mandatory; "may" is permissive.

**§ AAA-2. Purpose.**

- A. Short title. For brevity and ease of communication, this legislation may be cited as the "Town of Brookhaven Sewer Use Management Ordinance."
- B. General purpose. The general purpose of this chapter is to provide for the efficient, economic, environmentally safe and legal operation of the Town of Brookhaven publicly owned treatment works (POTW).
- C. Specific purpose. The specific purpose of this chapter shall be as follows:
  - (1) To prevent the introduction of substances into the district that will:
    - (a) Interfere with the efficient and proper operations of the POTW in any way.
    - (b) Pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violations of the POTW's SPDES permit.
    - (c) Increase the cost of operations of the POTW or otherwise hamper the disposal of POTW sludge and/or residuals.
    - (d) Endanger municipal employees.

- (e) Cause pollution of air, groundwater or surface water, directly or indirectly.
- (f) Cause, directly or indirectly, any public nuisance condition.
- (2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
- (3) To assure that new sewers and connections are properly constructed.
- (4) To assure that existing sewers and connections are properly maintained.
- (5) To provide for equitable distribution, to all users of the POTW, of all costs associated with sewage transmission, treatment, residuals disposal, and to provide for the equitable collection of such costs.
- (6) Requiring treatment, prior to introduction into the sewer system and other sewers tributary thereto, of such wastes as may be harmful to the physical structure of the system or disruptive of the normal treatment process.

## **Article II. Disposal Regulations**

### **§ AAA-3. Unlawful deposits and discharges of wastes; use of private disposal facilities.**

- A.** 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 district, or in any area under the jurisdiction of the district, any human or animal excrement, garbage or other objectionable waste.
- B.** It shall be unlawful to discharge to any natural outlet or storm sewer within the district any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with New York State Department of Environmental Conservation laws, rules and regulations.
- C.** It shall be unlawful for any person to construct any septic tank, cesspool or other facility intended or used for the disposal of sewage within the district. Any existing private sewage disposal facilities shall be maintained by the owner to the satisfaction of the district.

**§ AAA-4. Connection to public sewer required.**

The owner of all buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District, is hereby required, at his expense, to install suitable sanitary facilities therein. The owner shall apply to the District to connect such facilities directly to the proper public sewer within 90 days of official notice of availability, once approved by the District the owner shall connect such facilities in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 500 feet of the property line.

**§ AAA-5. Building sewers and connections.**

- A. Permit required.** A written permit shall be obtained from the district before any connection, change of use, opening, uncovering, use, discharge, alteration or other disturbance of a Town sewer, or its tributaries and appurtenances, is made. The permit shall be displayed in a conspicuous place. Any work performed after the issuance of a permit shall be in conformity with its terms and conditions and the provisions of this chapter.
- B. All proposed projects shall submit a written request to the District for a Letter of Sewer Availability prior to submitting an application to the District. The request must include the properties Suffolk County Tax Map number, a brief description of the project, and design calculations for the proposed project in accordance with SCDHS standards.**
- C. Permit application and application fee.**
- (1)** The property owner shall apply for a permit on a form furnished by the Town and shall provide all information called for on the form.
  - (2)** The permit application shall be accompanied by an application fee, established pursuant to a schedule adopted by resolution of the Town and by plans, specifications or other information considered pertinent by the Town.
  - (3)** All permit applications for service to establishments producing industrial wastes shall be subject to Town approval after a public hearing held upon 10 days' notice to the general public by publication in the Town's official newspaper.

**D. Permit fees and classes.** A combined permit and inspection fee (sewer connection fee) shall be paid to the Town before a permit is issued. Fees shall be established pursuant to the schedule adopted by resolution of the Town and may vary depending on whether the property served is residential, commercial or industrial and on whether the permit is for an original building sewer connection or some other purpose.

**E. Expenses, indemnification, contractor registration and insurance.**

- (1) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the property owner.
- (2) Property owners who install their own building sewer lateral connection shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by said installation.
- (3) Any person working for a fee (contractor) to make connections to the sewer system must either have a valid plumber's license issued by the Suffolk County Department of Consumer Affairs (SCDCA) or a valid liquid waste license issued by SCDCA.
- (4) All registered contractors must have on file with the Town an owner's and contractor's protective liability insurance policy, in the name of the Town of Brookhaven, in the following amounts; bodily injury, \$500,000 for each person and \$1,000,000 for each accident; and for property damage of \$100,000.

**F. Design.**

- (1) Licensed engineer or registered architect required. All new, and extensions to, sanitary sewers owned and operated by the district, or privately maintained and connected to the district, shall be designed by a professional engineer or registered architect licensed in the state, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards") and in strict conformance with all requirements of NYSDEC, SCDHS and SCDPW. In the event that there is a conflict in the standards, the more restrictive standard shall be utilized.

(2) Internal district improvements. Plans, specifications and methods of installation for all new, and extensions to, sanitary sewers lying within the service area of the district shall be submitted to, and written approval shall be obtained from, the District before initiating any construction. The design shall anticipate and allow for flows from all possible extensions or developments within the immediate drainage area.

(3) External district improvements. Plans, specifications and methods of installation for all new, and extensions to, sanitary sewers lying outside the service area of the district shall be submitted to, and written approval shall be obtained from, the District, SCDHS and NYSDEC before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

**G. Capacity determination.**

(1) Capacity analysis. The District shall conduct a capacity analysis of district facilities prior to approval of any new connections or extensions to sanitary sewers for properties lying:

(a) Outside the service area of the district.

(b) Within the district if the parcel's design flow rate based on Suffolk County Department of Health Services standards exceeds the allowance established in the District Formation Report.

(2) Inadequate or insufficient capacity.

(a) Denials. If capacity is inadequate in any sewer which would convey the wastewater, or is insufficient in the POTW treatment plant to treat the wastewater properly, the application shall be denied, subject to other provisions of this section.

**H. Separate building sewers.** The drainage and plumbing system of each building shall have a separate and independent connection with the sewer wherever possible. Where one building stands in the rear of another or is on an interior lot and no connection to a sewer is available nor can be made through an adjoining alley, court, yard or driveway, then the building sewer from the building on the front of the lot may be extended to the building on the rear of the lot. This may be considered as one building sewer for permit and inspection fee purposes, but, for sewer service charge, user charge and/or rent purposes, the number of connections shall be based upon the number of units being serviced.

- I.** Proposed connections that include industrial or process wastes must submit as part of the application a list of chemicals stored on the property or used in their processes. The applicant must also submit a copy of their current NYSDEC SPDES permit and the past years discharge monitoring reports, if the property currently has a SPDES permit. Furthermore the district requires that any existing industrial or process wastes be sampled for either the chemicals listed on the SPDES permit or those listed in Federal General Pretreatment Regulations (40 CFR) . The results from those sampling events must be included with the application so the district can determine if pretreatment will be required. For proposed industrial or process wastes the applicant must submit a list of the chemicals being used along with a list of their breakdown or by-products and the expected chemical concentrations to the District for review.
- J.** Existing building sewers. Existing building sewers may be used in conjunction with new buildings only when they are found, upon information and testing by the District, wholly at the expense of the property owner, to meet all requirements of this chapter and any other laws, rules, regulations and specifications which apply.
- K.** Maintenance and repair. The repair, maintenance and cleaning of a building sewer is the responsibility of the property owner. In the event of the property owner's failure to repair, maintain or clean said sewer, the Town may undertake the necessary work and charge all expenses to the property owner. A minimum charge for such works shall be set by resolution of the Town.
- L.** Disconnections. Before any building with a building sewer is demolished, the owner thereof shall conform to requirements established by the Town. The cutoff or plugging of the building sewer shall be done only with the permission of the District and under the supervision of a Town representative.
- M.** Future sewer facilities. Improvements, enlargements and extensions by private organizations to the sewer system shall be subject to the approval of the District with regard to design, construction and operation. Prior to the approval of the plans for improvements, enlargements and extensions, said private organizations shall deposit with the Town a sum sufficient to cover inspection costs. This sum shall be established pursuant to a schedule adopted by resolution of the Town, based on a percentage of the estimated cost of construction. Any unused balance of the deposits remaining after completion and acceptance of the construction shall be refunded.

**N.** Construction inspection and approval. The applicant for the connection of any building sewer to the sewer system shall notify the District when the building sewer is ready for inspection and connection to the sewer. In no case shall any underground portions of the building sewer be covered or connection to the sewer made without the approval and and/or supervision of the District. Trenches backfilled prior to inspection shall be reopened by the contractor or owner at no expense to the Town. The building sewer may be put into use only after satisfactory final inspection has been made and approval given by the District or agents thereof.

**O.** Connected properties. On a quarterly basis properties connected to the District, shall provide the District with purchased water use records to determine their pro-rata share of the operation and maintenance costs for that year. Properties with sewage flow meters shall on a quarterly basis submit copies of the daily sewage flows recorded by the flow meter.

**§ AAA-6. Section Intentionally Left Blank**

**§ AAA-7. Construction Requirements.**

**A.** Sewer Connections.

(1) Building sewers and water service branches or connections shall not be laid in the same trench and shall be separated by at least 10 feet. A minimum vertical separation of 18 inches shall be maintained between water and sewer facilities under all circumstances. Any building sewer installation in the vicinity of any water main or water service pipe shall conform to all requirements of the SCDHS. Whenever the construction of sewer facilities is taking place in close proximity to a water service branch or connection, the District may cause the work to be performed by the owner of said water service and bill the property owner for all expenses.

(2) The building sewer shall be laid at a depth sufficient to afford protection from frost (minimum of three feet six inches below finished grade) and at a uniform pitch of 1/4 inch per foot, or about 2%. Special permission may be given by the District to use a lesser pitch, which in no case shall be less than 1/8 inch per foot, or about 1%.

(3) No building sewer shall be installed within three feet of and parallel to any bearing wall.

- (4) Pipe diameters.** No house sewer from the public sewer to the property line shall be of a nominal diameter less than six inches. Inside the property line, the diameter of pipe shall not be less than four inches if existing lines are used and not less than six inches for new lines.
- (5) Prohibited connections.** No person shall discharge any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial waters to any sanitary sewer.
- (6) Pipe and joint specifications.** The building sewer shall be constructed using one of the following pipe materials: cast iron, ABS (acrylonitrile/butadiene/styrene) solid wall or PVC (polyvinyl chloride).
- (a) Cast-iron pipe.** All cast-iron pipe shall be extra-heavy wall conforming to ASTM Designation A-74, latest revision. Joints for cast-iron pipe and fittings with hubs and plain-end spigots shall be made with positive double-seal compression-type gaskets conforming to ASTM Designation C-564, latest revision. All hubless cast-iron pipe and fittings shall be joined with neoprene-rubber gaskets and screw-on stainless steel clamps. All parts of the clamping assembly shall bear the registered insignia indicating that these items comply with the Cast-Iron Soil Pipe Institute Standard 301, latest revision.
- (b) ABS solid-wall pipe.** All ABS solid-wall pipe shall be made of a virgin rigid ABS plastic conforming to ASTM Designation D-2751, latest revision. Pipe shall be Class SDR 35. ABS solid-wall sewer pipe and fittings shall be furnished with solvent-cement joints in which pipe solvent cements into a coupling socket to form the joint closure. Primer for solvent welding shall be a methyl ethyl ketone (MEK) and the cement shall be MEK containing a minimum of 20% by weight of dissolved ABS. Strict conformance with ASTM Designation F-902, latest revision, is required.
- (c) PVC pipe.** All PVC pipe and fittings shall conform to ASTM Designation D-3034, latest revision, and shall have an SDR classification of 35.
- (d) Special backfilling requirements for Class SDR 35 pipe.** All SDR 35 pipe shall be installed in accordance with the provisions of ASTM Designation D-2321, latest revision, Underground Installation of Flexible Thermoplastic Sewer Pipe. If requested by the Town, a compaction test may be required on each building sewer installed to ensure compliance with the requirements of ASTM Designation D-2321. The only exception will be when a contractor installs more than one building sewer in any one day. For those cases, one compaction test will be required on the first

building sewer installed, with an additional compaction test required for each third building sewer installed thereafter. The compaction testing will be conducted by an independent laboratory previously approved by the Town. All compaction tests will be performed at the contractor's expense. In addition, the Town reserves the right to order additional compaction testing at random locations to further verify compliance with the compaction requirements.

- (e) Pipe material and size transitions. When a connection of two differing pipe materials and/or sizes is required, the drainlayer shall provide the Town's agents with catalog cuts of the proposed device used to join said pipes. The device shall be either a specialized adaptor or a flexible coupling, manufactured specifically for the joining of differing pipes. No such device shall be installed prior to the drainlayer's receipt of written approval from the Town.
  
- (f) Depth of pipes. No PVC or ABS pipe shall be laid in a public highway or building driveway at a depth less than 48 inches. Pipes laid with less than 48 inches of cover shall be extra-heavy cast iron. All cast-iron pipes shall be covered to a depth of at least two feet, or one foot with Town approval, above the crown of the pipe with select fill acceptable to the District Engineer, entirely free from stones and rubbish and carefully compacted.
  
- (g) Excavations, pipelaying, backfill specifications. The size, slope, alignment, material of construction of a building sewer and the methods to be used in excavating and placing the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the building and plumbing codes and all applicable rules and regulations. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply. All excavations for building sewer installations shall be guarded with barricades and light so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
  
- (h) Connection to public sanitary sewer. The connection of the building sewer into the public sanitary sewer shall be made at an existing stub if available. Where a stub is not available the owner shall, at his expense, install a Y-branch in the public sanitary sewer at the location specified by the Town. No connections shall be made to manholes unless specifically approved, in writing, by the Town. Where the public sewer is located at an unusual depth, the connection to the public sewer shall be made as required by the Town. Whenever possible, the building sewer shall be brought

to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged into the building sewer. The cost thereof shall be borne by the owner. The term "approved means" signifies that the owner has submitted plans for lifting the sewage, to the Town, and has received written approval of such system. Cleanouts shall be installed on all building sewers so that the maximum distance between cleanouts is 75 feet. If the building sewer is less than 75 feet in length, no cleanout will be required. In those cases where the length of the building sewer is between 75 feet and 150 feet, the cleanout shall be installed at the midpoint of the sewer line. In addition, cleanouts will be required at all bends that equal or exceed 23°. Cleanouts shall be constructed using Campbell frame and cover No. 1735 or approved equal. Cleanout frames shall be set in a concrete base, thirty six (36) inches by thirty six (36) inches by eight (8) inches thick.

#### **B. Manholes.**

- (1) Construction of manholes must be in accordance with the latest revision of the SCDHS and SCDPW design standards.
- (2) Sampling manholes are required on the domestic and industrial or process wastes lines. In the case of multiple house connections from the same building if possible one sampling manhole can be provided for all of the domestic house connections and one for all of the industrial connections. In no case shall the domestic and industrial connections be connected to the same sampling manhole.

#### **C. Sewage Flow Meters**

- (1) The District may require that any parcel connected to the District install a sewage flow meter for the purposes of monitoring the volume of flow being discharge to the District.
- (2) All flow meters must be installed in accordance with the manufacturers' specifications.
- (3) All flow meters must be located in an easily accessible unpaved area located outside of any roadways or parking areas.
- (4) Flow meters must be calibrated annually and calibration records must be submitted to the district.

(5) Flow meters shall be provided with a visual display located within the building in an area easily accessible by a representative of the District.

(6) Properties with flow meters at the request of the District shall provide the District with copies of purchased water use records for the purposes of verifying the accuracy of the installed sewage flow meter.

#### **D. Sewage Pump Stations**

(1) In the event that a sewage pump station is required the design of said pump station must conform to the latest revision of the SCDHS and SCDPW construction standards.

#### **§ AAA-8. Restricted discharges.**

**A.** Types of discharge restricted. No person shall discharge into the sewer system any waste, substance or waters other than such kinds or types of waters or water-carried wastes for conveyance of which the particular public sewer is intended designed or provided.

**B.** Storm- and related waters prohibited in sewers. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, air-conditioning and refrigerating wastewaters or untreated industrial process waters to any sanitary sewer.

**C.** Regulation of stormwater drainage. Stormwater shall be discharged to storm sewers or to a natural outlet. Such waters shall be discharged only after the approval of any local, county or state regulatory agency having jurisdiction.

**D.** Prohibited discharges into sewers. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Wastes defined as objectionable, prohibited or limited wastes in § AAA-1.

**E.** All sludge produced and generated by the Town's sewage treatment plant is disposed at the Suffolk County owned and operated Bergen Point Water Pollution Control Facility. Acceptance of the sludge is contingent upon the Town's meeting the limitations imposed by the Department of Public Works Sewer Use Rules and Regulations Appendix A, Article V. Section 3A, for the County of Suffolk. A list of these parameters, appended at the end of this chapter, stipulates the discharge concentration

limits established by Suffolk County. In order to comply with these regulations, it shall be unlawful for any discharge into any Town of Brookhaven facility to exceed the toxic and objectionable chemical concentration limits (latest revision) set by the SCDPW Sewer Use Rules and Regulations and adopted for use by the Town of Brookhaven.

**F.** The Town may, after notice and hearing, establish and keep current a list of prohibited or limited wastes, including but not limited to a schedule of sewer discharge concentration limits. The Town reserves the right to establish more stringent limitations or requirements on discharges as necessary. In the event of conflict between local, county, state and federal regulations, the most stringent shall prevail. Prohibited, objectionable or limited wastes listed shall include:

- (1) Any waste, including business, commercial or industrial wastes, which exceeds allowable discharge levels as promulgated by the United States Environmental Protection Agency pursuant to Section 307(b) and (c) of the Federal Water Pollution Control Act and amendments, entitled "Industrial Pretreatment Requirements," and such other liquids, substances or materials that may be enumerated by the Administrator to be objectionable or toxic. Business, commercial or industrial facilities identified as categorical facilities pursuant to 40 CFR Part 403 must comply with the previously indicated categorical pretreatment standards as promulgated by USEPA.
- (2) Any substance, wastewater or compound described in § AAA-8D in concentrations so listed.
- (3) Any storm drainage, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters.

**§ AAA-9. Pretreatment.**

**A.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above and which may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- (1) Reject such wastes; or

- (2) Require pretreatment of such wastes to an acceptable condition, standard and level, at the cost and expense of the applicant, prior to discharge into the sewage works as elsewhere prohibited herein; or
- (3) Require flow equalization by way of control over the quantities and rates of discharge as elsewhere provided herein; or
- (4) Require that a suitable surcharge over and above other assessments be paid in lieu of pretreatment for compatible industrial wastes only, and in no event shall a surcharge be applicable in lieu of conformance to Federal General Pretreatment Regulations (40 CFR Part 403), Federal Categorical Pretreatment Standards or Town of Brookhaven Concentration Limits; or
- (5) Require that any applicant or sewer user provide, at his own expense, chemical analyses, treatability studies, engineering reports or other documentation from professional engineers or consulting laboratories for the purpose of determining the acceptability of a waste for discharge to the sewage works, which information shall be reviewed by the Town; or
- (6) Bring such action and impose such penalties against the violator as may be lawfully permitted; or
- (7) Any combination of the above.

**B. When pretreatment or flow equalization facilities are required by the Town:**

- (1) The pretreatment or flow equalization facilities must be designed by a professional engineer, licensed in New York State, familiar with said facilities.
- (2) A compliance time schedule shall be furnished by the Town to the applicant. Failure to meet the requirements of the compliance schedule shall, in the case of an existing violation, be construed as an additional violation of this chapter and be subject to all penalties provided therefor. Said applicant shall retain, at his own cost and expense, a professional engineer, licensed in New York State, to prepare engineering reports and facility designs for the Town's review and approval and to certify the compliant construction for the required pretreatment or flow equalization facilities.
- (3) Thereafter, approved facilities shall be maintained by the applicant to ensure effective and continuous operation.

(4) The applicant may be required to collect representative samples of the discharge to a sewage works and to have those samples analyzed to determine compliance with applicable standards.

(5) The applicant shall, at his own cost and expense, modify, improve or alter, as required, his pretreatment or flow equalization facility such that the discharge into a sewage works is in compliance with all applicable pretreatment and flow discharge standards as specified in this article.

C. All measurements, tests and analyses of the characteristics of wastewaters, discharges or wastes called for under this article, when performed by or on behalf of applicants, shall be performed in accordance with the latest edition of Standard Methods for the Examination of Water and Waste Waters, published by the American Public Health Association, Inc., et. al; ASTM Standards, Part 31, Water, Atmospheric Analysis, published by the American Society for Testing and Materials; Methods for Chemical Analysis of Water and Wastes, published by the United States Environmental Protection Agency; and/or 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis or Pollutants, including amendments to any of the foregoing; of, at the option of the Administrator, such other standards he may designate.

D. On premises where wastes or substances specified to be excluded from public sewers are present or where pretreatment and/or flow equalization facilities are operating, the Town may require the owner to provide, operate and maintain at his expense a sampling well or wells, flow-measuring devices, manholes or other appurtenances, all readily accessible, on the building sewer or drain from said premises near the point where said sewer or drain connects to the public sewer. By means of said sampling well or wells, flow-measuring devices or other appurtenances, the Town, or any public officer having legal jurisdiction or authorized agents, may secure samples of or examine the wastes being discharged into the public sewer for the purpose of determining compliance or noncompliance with the requirements of these regulations.

E. The Town shall have the right to enter and inspect any part of the premises served by public sewers upon which there may be reason to believe that violations of the requirements of these regulations have occurred or are likely to occur, for the purpose of ascertaining the facts as to such violation or suspended violation or of obtaining samples of wastes or of inspecting flow-measuring devices or treatment facilities provided to prevent prohibited discharges.

F. All laboratory testing costs associated with analysis of the waste stream shall be borne by the owner of said facility at the current rate schedule of the testing laboratory employed to provide such services by the Town. Facilities qualifying for said testing services shall be as listed on, but not limited to those industry categories included on, Table 2C-2, most recent amendment, of USEPA Form 3510-2C of the Consolidated Permits Program.

**§ AAA-10. Administration and enforcement.**

A. The Town shall be responsible for enforcing the provisions of this article and such rules, regulations, specifications and requirements as are promulgated pursuant to this article.

B. The Town or the Town's agent, SCDPW, SCDHS, USEPA and NYSDEC representatives, bearing proper identification, shall be permitted to enter, at reasonable times, upon all properties served by the Town sewer system or property served by a private sewage disposal system pursuant to this article or other property over, under, on or through which the Town has an easement, for the purpose of inspection, observation, measurement, sampling, inspecting and copying discharge records, testing, maintenance, construction and, in general, for enforcement of the provisions of this article. The Town shall have the right to set up such devices as are necessary to conduct sampling or metering operations.

C. Where a party in possession of property has security measures in force, he shall make arrangements with his security personnel so that, upon presentation of proper identification, personnel from the Town, SCDPW, SCDHS, USEPA and NYSDEC will be permitted to enter without delay.

D. Discovery of violation.

(1) Where a violation of the provisions of this article is found, Environmental Analysts from the Town's Environmental Division, Engineering Inspectors from the Town's Engineering Division or the Town's Law Investigators, shall issue the alleged offender a notice of violation by personal service or by certified mail, return receipt requested, of the nature of the violation, prescribe a period of time, not to exceed 30 days, within which the specified violation must be corrected and provide for an opportunity to be heard by the Town's Engineering Division within the prescribed period.

(2) If the violation is not corrected within the period specified in said notice, the Town may take action pursuant to the provisions of § AAA-12 of this chapter.

(3) Upon a failure or refusal to make the correction and in addition to any other remedies or penalties provided for in this article, the Town shall have the right to disconnect any improper connection from the sewer at the end of the time limit specified in this section, and the offender shall be liable to the Town for the expense of making such disconnection.

**E. Modification, revocation or suspension.**

(1) The Town may modify, revoke or suspend a permit or approval granted under this article when the modification, revocation or suspension is required by or consistent with a decision issued in an action instituted pursuant to § AAA-12.

(2) The Town may modify, revoke or suspend, without notice or opportunity to be heard, a permit or approval granted under this article when to do so is necessary to protect the Town's POTW, the public health or the environment from unreasonable adverse effects, provided that a hearing, upon prior notice, is held within three days after the modification, revocation or suspension.

**F. Emergency shutdown.** The Town may disconnect, without notice or opportunity to be heard, any connection from the sewer, when to do so is necessary to protect the Town's POTW, the public health, or the environment from immediate and unreasonable adverse effects.

**§ AAA-11. Compliance required; prohibited acts.**

**A. Failure to comply.** It shall be a violation for any person to fail to comply with any of the provisions of this article, including any order, rule, regulation, specification or requirement issued pursuant to or in furtherance of this article.

**B. Prohibited practices.**

(1) No person shall impede, obstruct, hinder or otherwise interfere with the Town in the performance of its duties under this chapter.

(2) No 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 Town's disposal and sewage treatment system.

(3) No person shall make false, misleading or incomplete statements in any application for a permit or other approval or in any records required to be kept under this chapter.

(4) No person shall cause any connection to be made between a piping system carrying potable water and a piping system carrying, at any time, anything other than potable water.

C. Continuing violations. Each day that a violation continues shall constitute a separate violation.

**§ AAA-12. Penalties for offenses.**

**A. Criminal penalties.**

(1) Any person convicted of violating this chapter shall be subject to the penalties in accordance with the provisions set forth in this Code for each violation.

(2) The Town's Law Department Law Investigators, Engineering Inspectors, or Environmental Analysts, may issue a ticket to appear to any person suspected, upon probable cause, of violating this chapter or due to failure to comply with the terms of a previously issued Notice of Violation. The ticket shall specify:

(a) The district court in which the person charged must appear.

(b) The date and time of the appearance.

(c) The provisions of this chapter believed to have been violated.

(d) That the person charged may be represented by counsel.

(e) That failure to appear may cause a warrant to be issued for his arrest.

**B. Civil penalties.**

(1) In lieu of or in addition to any other penalty, any person who willfully violates any provision of this chapter or any final determination or order of the Town made in accordance with this chapter shall be punished in accordance with the provisions set forth in this Code. Each offense shall be a separate and distinct offense, and, in case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

(2) Civil proceedings under this section may be brought by the Town's Law Department, at the request of the Town's Engineering Division, in a court of competent jurisdiction.

(3) Civil proceedings may also be brought to:

(a) Secure injunctive relief.

(b) Recover any expenses, including labor and materials, incurred by the Town to remedy violations of the provisions of this chapter.

(c) Achieve such other remedies as may be available under law or equity to correct or remedy a violation or protect the interests of the Town.

**§ AAA-13. Appeals.**

Any persons aggrieved by any decision or determination made by the Town pursuant to this chapter may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

**§ AAA-14. Construal of provisions; severability; repealer.**

**A. Application.** No statement in this chapter shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

**B. Separability.** If any provision of this chapter shall be adjudged invalid, the judgment shall apply only to the provision so adjudged and shall not affect, impair or invalidate any other provision of this chapter.

**C. Repealer.** All ordinances or local laws or parts thereof in conflict with this chapter are hereby repealed.

**§ AAA-15. Charges.**

**A.** The costs of all improvements constructed in the Sewer District and of the operation and maintenance of the facilities thereof shall be assessed, levied and collected from the lots and parcels of land within the boundaries of said district, and shall be in accordance with the resolutions adopted by the Town of Brookhaven.

**B.** Said charges shall become due and payable on the first day of January in each year or on such other day or dates as may be determined by the Town. They shall be collected by the Town Tax Receiver and shall constitute a lien on the real property pursuant to the regulations of the Town of Brookhaven.

**C.** Waste strength surcharge. Users who discharge sewage in greater concentrations than permitted by this section shall be charged an annual waste strength surcharge. Said surcharge shall be due, payable, and collected in accordance with § AAA-15B. The surcharge shall be calculated as follows:

(1) The user's annual permitted waste strength will be subtracted from the annual sampled waste strength average to arrive at a surcharge concentration. The number of gallons of waste that would have been discharged had the surcharge concentration been discharged at the permitted waste strength is then multiplied by the Town's annual cost per gallon to treat sewage of permitted waste strength. The resulting number is the annual waste strength surcharge.

(2) The user's annual waste strength average will be determined by averaging the samples collected from the user's sewage discharge. Samples shall be collected and tested on a monthly basis by the Town's appointed designees. The costs associated with the collecting and testing shall be borne by the user, including all labor costs.

**§ AAA-16. Grease traps.**

**A.** The purpose of this section is to protect businesses and the environment within the Town of Brookhaven from blockages of the District's sanitary sewer system caused by grease, kitchen oils, and other substances discharged from food establishments or industrial processes located in the District.

**B.** Installation and maintenance of traps; storage and disposal of grease.

(1) Grease trap installation. The District may at any time require the installation of an external grease trap at a food establishment or industrial processor, as he/she may deem necessary to maintain any particular building sewer pipe, any lateral sewer pipe, or sewer main pipe free from obstructions caused by grease or oil emanating from a food establishment or industrial processor.

(2) Food establishment. In every case where a food establishment is preparing or selling food, a suitable external grease trap conforming to applicable building and plumbing codes must be installed.

(3) Requirements. External grease traps must have a minimum capacity of 1,500 gallons and shall be sized in accordance with the standards set forth by SCDHS.

C. Grease trap maintenance. All grease traps shall be maintained by the property owner at the property owners expense. At a minimum, the food establishment or its designee shall inspect grease traps monthly; and shall have all grease traps cleaned before the amount of grease exceeds 25% of the grease capacity of the grease trap or once every three months for external grease traps, whichever comes first. Written logs of inspections, cleaning and pumpings shall be filed with the District every 90 days.

D. Best management practices. Food establishments shall integrate best management practices to reduce grease discharged to the sewer system. In addition to maintenance of grease traps, best management practices include, but are not limited to:

(1) Dry-wiping pots, pans, and dishes before putting them in the dishwasher or warewash sink;

(2) Collecting and disposing of used grease through a licensed septage handler instead of pouring it down the drain;

(3) Capturing the grease in ventilation and exhaust hoods.

F. Storage of waste grease from food preparation. All waste grease and other related wastes requiring storage at the food establishment as a result of removal from grease traps or otherwise shall be collected and stored in an appropriate container(s) (i.e., fifty-five-gallon drums or such other suitable storage containers) in an approved location at the food establishment. The container(s) shall be stored on an impervious surface such as concrete or pavement. Containers shall be either sealed or stored in a sheltered area, and maintained to prevent entry of precipitation and of animals. All waste grease and related wastes shall be removed from the food establishment only by a permitted septage handler. All grease containers and surrounding areas must be kept in a sanitary condition at all times.

G. Disposal. All waste grease and related wastes shall be removed from the food establishment only by a permitted septage handler. All material removed from grease traps, and hauling and disposal of grease and other related waste, shall be documented in a written record. The food establishment is responsible for assuring that all waste grease and related wastes are disposed of in accordance with all federal, state, and local disposal regulations.

#### **H. Inspection and recordkeeping.**

- (1) The Environmental Analysts, Engineering Inspector, or other designee of the Town shall enforce the provisions of this regulation. The Environmental Analysts, Engineering Inspector or their respective designee may enter upon any premises at any reasonable time to inspect for compliance.
- (2) The grease traps shall be subject to a mandatory annual inspection by the Environmental Analysts, Engineering Inspector or other designee of the Town that shall enforce the provisions of this regulation. Failure to timely file with the District the required cleaning logs and invoices, or an incomplete reporting, shall require an inspection in addition to the mandatory annual inspection.
- (3) The cost of such additional inspection shall be, per inspection, such amount as may be set by the Town resolution and payable by the User.
- (4) All records pertaining to purchasing, storage and removal of grease and related products and waste products shall also be retained by the food establishment on premises for no less than two years.
- (5) Refusal to provide reasonable cooperation and access shall constitute a violation of these regulations subject to enforcement as set forth below.

#### **I. Enforcement notice.**

- (1) The Environmental Analysts, Law Department Investigators, and/or Engineering Inspector may serve upon any person in violation of this regulation a written notice of violation stating the substance of the violation. Within five days of the date of such notice, a plan for correction of the violation shall be submitted to the Town's Engineering Division. Failure to correct violations of any provision of this regulation may result in enforcement and/or penalties as set forth below.
- (2) Any person who violates any provision of this article shall be subject to the penalties set forth in § AAA-12. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. In addition to the penalties under § AAA-12, in the event of a violation of any of the provision of this article, the Town may pump out the grease trap and charge the violator with the costs of such pump-out, as well as a mandatory processing fine.