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# SEWER USE LAW

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## NORTH CREEK SEWER SYSTEM

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**EFFECTIVE: JUNE XX, 2026**

TOWN OF JOHNSBURG, NEW YORK

Johnsburg Town Hall 219 Main Street | North Creek, NY 12853

Draft 28Apr2026

# Table of Contents

<b>ARTICLE 1 – SHORT TITLE AND PURPOSE .....</b>	<b>1</b>
Section 101- Description.....	1
Section 102 - Short Title .....	1
Section 103 - General Purpose.....	1
Section 104 - Specific Purposes .....	1
<b>ARTICLE 2 – DEFINITIONS .....</b>	<b>1</b>
Section 201 - Defined Terms.....	1
Section 202 - Abbreviations.....	12
Section 203 - Undefined Terms –.....	13
<b>ARTICLE 3 - USE OF PUBLIC SEWERS .....</b>	<b>13</b>
Section 301 - Waste Disposal Unlawful.....	13
Section 302 - Connecting Private Sewage system to Storm Sewer Unlawful .....	13
Section 303 - Discharge of Sewage into Well Prohibited .....	13
Section 304 - Wastewater Discharge Unlawful.....	13
Section 305 - Building Permit Allowed Only When Approved Wastewater Disposal Available .....	13
Section 306 - Private Wastewater Disposal Unlawful.....	13
Section 307 - Connection to Public Sewer .....	14
Section 308 - Limitation on Use of Public Sewers .....	14
Section 309 - Moratorium .....	14
Section 310 - Basis of Sewer Use Requirement.....	15
<b>ARTICLE 4 - PRIVATE WASTEWATER DISPOSAL.....</b>	<b>15</b>
Section 401 - Public Sewer Unavailable - Private Wastewater Disposal Required .....	15
Section 402 - Connection of Two Buildings to the Same Septic Tank Prohibited.....	15
Section 403 - Construction Permit Application .....	15
Section 404 - Construction Permit .....	15
Section 405 - Preventing Nuisances - Rehabilitation Required.....	15
Section 406 - Sanitary Operation Required .....	16
Section 407 - Septage Removal.....	16
Section 408 - Direct Connection to New Public Sewers.....	16
Section 409 - Additional Requirements.....	16
<b>ARTICLE 5 – NEW SEWERS OR SEWER EXTENSIONS.....</b>	<b>16</b>
Section 501 - Proper Design.....	16
Section 502 - Town of Johnsburg Costs and expenses; indemnification of Town of Johnsburg.....	16
Section 503 – Permit Required.....	16
Section 503 A - New Sewers/ Subdivisions within NCSD and service area. Subject to Approval, Fees, Inspection, Testing, and Reporting .....	17
Section 504 - Separate sewer required for each building; exception.....	18
Section 505- Use of Old Septic Systems.....	19
Section 506 - Material and procedure specifications.....	19
Section 507 - Elevation of building sewer.....	19
Section 508 - Connection of surface runoff and groundwater.....	19
Section 509 - Compliance with connection regulations required.....	19
Section 510 - Inspection and testing.....	19
Section 511 - Guarding excavations; restoration of property.....	19
Section 512 A - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting .....	19
Section 513 - Plans, Specification, and Pipe Test Results .....	20
RESERVED - Sections 514 through 519 Draft Specifications .....	20
<b>ARTICLE 6 - BUILDING LATERALS, STREET LATERALS CONNECTIONS, AND FEES.....</b>	<b>21</b>
Section 601 A - Permit Required for Sewer Connections .....	21
Section 601 B - Illicit Discharges and Connections Prohibited .....	21

Section 602 A- Sewer Lateral Permits.....	21
Section 602 B- Additional Sewer lateral Permits .....	21
Section 603 A - New Building Laterals .....	21
Section 603 B - Laterals Serving Several Buildings .....	21
Section 603 C - Laterals Serving Complexes.....	22
Section 603 D - Dry Sewers .....	22
Section 604 - Using Existing Building Laterals.....	22
Section 605 - Lateral Pipe Materials.....	22
Section 606 A - Street Lateral to Public Sewer Connection.....	22
Section 606 B - Future Connection Locations; As-Built Drawings.....	22
Section 606 C - Special Manhole Requirements .....	23
Section 607 - Laterals At and Near Existing Buildings .....	23
Section 608 - Sewage Lifting.....	23
Section 609 - Lateral Pipe Installation.....	23
Section 610 A - Watertight Joints .....	24
Section 610 B - Cast Iron Pipe Poured Joints .....	24
Section 610 C - Cast Iron Push Joints.....	24
Section 610 D - PVC Push Joints .....	24
Section 611 A - Building Lateral/Street Lateral Connection .....	24
Section 611 B - Cleanout Repair/Replacement.....	25
Section 611 C - Street Lateral Replacement; Ownership.....	25
Section 612 - Testing .....	25
Section 613 A - Connection Inspection.....	25
Section 613 B - Trench Inspections.....	25
Section 614 - Public Safety Provisions Required; Restoration of Disturbed Areas .....	25
Section 615 - Interior Clean-Out.....	25
Section 616 - Costs Borne by Owner.....	26
<b>ARTICLE 7 - INFLOW .....</b>	<b>26</b>
Section 701 - New Inflow Sources Prohibited .....	26
Section 702 - No connection of Inflow Source Allowed.....	26
Section 703 - Charges for Inflow .....	26
<b>ARTICLE 8 - TRUCKED OR HAULED WASTE.....</b>	<b>26</b>
Section 801 - Trucked or Hauled Waste.....	26
Section 802 - Restoration .....	26
<b>ARTICLE 9 - DISCHARGE RESTRICTIONS .....</b>	<b>26</b>
Section 901 - Pretreatment Standards.....	26
Section 902 - General Prohibitions .....	26
Section 903 - Concentration Based Limitations.....	28
Section 904 - Mass Discharge Based Limitations.....	28
Section 905 - Modification of Limitations .....	29
Section 906 - Access to User's Records .....	30
Section 907 - Dilution.....	30
Section 908 - Grease, Oil, and Sand Interceptors .....	30
Section 909 - Solid Waste Grinders .....	30
Section 910 - Rejection of Wastewater .....	30
<b>ARTICLE 10 - PRETREATMENT REQUIREMENTS AND DISCHARGE PERMITS .....</b>	<b>30</b>
Section 1001 A- Pretreatment requirements for Non-Industrial Users Zone 1.....	30
Section 1001 B Pretreatment requirements for Non Industrial Users Zone 2.....	30
Section 1002 A - Wastewater Discharges.....	31
Section 1002 B - Wastewater Discharge Permits Required for Significant Industrial Users.....	31
Section 1003 A Wastewater Discharge Reports.....	31
Section 1003 B - Notification to Industrial Users .....	31
Section 1003 C - Other Industrial Users.....	31

<b>Section 1003 D - Discharge Permits to Storm Sewers Not Authorized</b> .....	31
<b>Section 1004 A - Application for Wastewater Discharge Permits</b> .....	31
<b>Section 1004 B - Permit Modifications</b> .....	32
<b>Section 1004 C - Permit Conditions</b> .....	32
<b>Section 1004 D - Permit Duration</b> .....	33
<b>Section 1004 E - Permit Reissuance</b> .....	33
<b>Section 1004 F - Permit Transfer</b> .....	33
<b>Section 1004 G - Permit Revocation</b> .....	33
<b>Section 1004 H - Public Notification</b> .....	33
<b>Section 1005 - Reporting Requirements for Permittee</b> .....	33
<b>Section 1006 - Flow Equalization</b> .....	34
<b>Section 1007 - Monitoring Stations (Control Manholes)</b> .....	35
<b>Section 1008 - Proper Design and Maintenance of Facilities and Monitoring Stations</b> .....	35
<b>Section 1009 - Vandalism, Tampering with Measuring Devices</b> .....	35
<b>Section 1010 - Sampling and Analysis</b> .....	35
<b>Section 1011 - Accidental Discharges; SPCC Plan</b> .....	35
<b>Section 1012 - Posting Notices</b> .....	36
<b>Section 1013 - Sample Splitting</b> .....	36
<b>Section 1014 - Public Access to Information Maintained by the Town of Johnsburg or Designated Representative</b> .....	36
<b>Section 1015 A - Access to Property and Records</b> .....	36
<b>Section 1015 B - Access to Easements</b> .....	37
<b>Section 1015 C - Liability of Property Owner</b> .....	37
<b>Section 1016 - Special Agreements</b> .....	37
<b>ARTICLE 11 - ENFORCEMENT AND PENALTIES</b> .....	<b>37</b>
<b>Administrative Remedies Section</b> .....	37
<b>Section 1101 - Notification of Violation</b> .....	37
<b>Section 1102 - Consent Orders</b> .....	38
<b>Section 1103 - Administrative or Compliance Orders</b> .....	38
<b>Section 1104 - Administrative Fines</b> .....	38
<b>Section 1105 - Cease and Desist Orders</b> .....	38
<b>Section 1106 - Termination of Permit</b> .....	39
<b>Section 1107 - Water Supply Severance</b> .....	39
<b>Section 1108 - Show Cause Hearing</b> .....	39
<b>Section 1109 - Failure of User to Petition the Town of Johnsburg</b> .....	39
<b>Section 1110 - Notice</b> .....	40
<b>Section 1111 - Right to Choose Multiple Remedies</b> .....	40
<b>Judicial Remedies Section</b> .....	40
<b>Section 1113 - Civil Actions For Penalties</b> .....	40
<b>Section 1114 - Court Orders</b> .....	40
<b>Section 1115 - Criminal Penalties</b> .....	41
<b>Section 1116 - Additional Injunctive Relief</b> .....	41
<b>Section 1117 - Summary Abatement</b> .....	41
<b>Miscellaneous</b> .....	42
<b>Section 1118 - Delinquent Payments</b> .....	42
<b>Section 1119 - Performance Bonds</b> .....	42
<b>Section 1120 - Liability Insurance</b> .....	42
<b>Section 1121 - Public Notification</b> .....	42
<b>ARTICLE 12 –FEES</b> .....	<b>42</b>
<b>Section 1201 – Sewer Hook-up Fee</b> .....	42
<b>Section 1202 – Normal Sewage Service Fees and Equivalent Dwelling Units</b> .....	43
<b>Section 1202 A - Normal Sewage Service Fees</b> .....	43
<b>Section 1202 B - Equivalent Dwelling Unit Classification</b> .....	43

<b>Section 1203 – Surcharge for Abnormal Sewage</b> .....	44
<b>Section 1204 – Total Abnormal Sewer Service Surcharge</b> .....	44
<b>Section 1205 – Capital, Interest, and Dept Service Fee</b> .....	44
<b>Section 1206 – Segmenting the NCSS</b> .....	44
<b>Section 1207 – Billing Period</b> .....	44
<b>Section 1208 – Pretreatment Program Costs</b> .....	44
<b>Section 1209 - Measurement of Flow</b> .....	45
<b>Section 1210 - Capital Recovery</b> .....	45
<b>Section 1211 – Collection of Fees</b> .....	45
<b>Section 1212 – Fiscal Year for System</b> .....	45
<b>Section 1213 – Impact Fees</b> .....	45
<b>Section 1214 – Use of Revenue</b> .....	45
<b>Section 1215 – Records and Accounts</b> .....	45
<b>ARTICLE 13 - PUBLIC DISCLOSURE OF NCSS OPERATIONS</b> .....	<b>46</b>
<b>Section 1301- NCSS Operations Open to the Public</b> .....	46
<b>Section 1302- Procedural Requirements Available</b> .....	46
<b>Section 1303- Validity Through Public Inspection</b> .....	46
<b>ARTICLE 14 - CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND APPLICABILITY</b> .....	<b>46</b>
<b>Section 1401- Conflicts</b> .....	46
<b>Section 1402- Severability</b> .....	46
<b>Section 1403- Effective Date</b> .....	46
<b>Section 1404- Applicability</b> .....	46
<b>APPENDICES</b> .....	<b>47</b>
<b>Appendix A – Substances of Concern</b> .....	47
Class A - Halogenated Hydrocarbons.....	47
Class B - Halogenated Organics (Other than Hydrocarbons).....	47
<b>Appendix B – Effluent Concentration Limits</b> .....	49
<b>Appendix C – Abnormal Surcharge Under Section 1204</b> .....	51

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## Article 1 – Short Title and Purpose

**Section 101- Description** The sewer system described herein is known as the North Creek Sewer System (NCSS), a district created by vote with the aim of spurring on economic development, revitalizing North Creek's Main Street and providing for a better stewardship of our natural habitat. The Facilities that comprise the system are unique and have been divided into two zones that have different requirements for operation. Zone 1 is comprised of a forced Main system from properties within and around Ski Bowl Park and the west side of New York State (NYS) Route 28. Zone 1 accepts and processes liquid only effluent and has pretreatment requirements of raw sewage before any waste can enter the system. For both commercial and residential properties, settling tanks and pumps of appropriate size and design as to be compatible with the NCSS as specified in the approved permit from the New York Department of Conservation (DEC) are required. Commercial and Industrial properties may also have additional requirements in pretreatment that may include grease traps, chemical isolation, and further treatment measures. Zone 2 accepts and processes raw sewage in a forced main system and treatment of such will occur at the processing facility. Zone 2 comprises property east of NYS route 28 and serves Main Street residences and business. Pretreatment requirements may apply based on scope and size of the commercial business or future development, pretreatment may include Septic Tank Effluent Pump (STEP) tanks and pumps, grease traps and/or any chemical pretreatment required for proper function of the NCSS.

**Section 102 - Short Title** For brevity and ease of communication, this Law may be cited as the North Creek Sewer System (NCSS) Sewer Use Law.

**Section 103 - General Purpose** The general purpose of this Law is the following: To provide for efficient, economic, environmentally safe, and legal operation of the NCSS.

**Section 104 - Specific Purposes** The specific purposes of this Law are the following:

(1) To prevent the introduction of substances into the NCSS that will:

1. interfere with the NCSS in any way,
2. pass through the NCSS to the state's waters and cause contravention of standards for those waters or cause violation of the NCSS's State Pollutant Discharge Elimination System (SPDES) permit,
3. increase the cost or otherwise hamper the disposal of NCSS sludge and/or residuals,
4. endanger municipal employees,
5. cause air pollution, or groundwater pollution, directly or indirectly, or
6. 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 ensure that new sewers and connections are properly constructed.

(4) To provide for equitable distribution to all users of the NCSS of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

## Article 2 – Definitions

### Section 201 - Defined Terms

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

**Abnormal Sewage** - Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. Abnormal discharges in wastewater refer to any disposal of substances into a sewer or storm system that deviates from normal discharge from standard domestic waste or permitted industrial limits. See normal sewage.

**Act or "THE ACT"** - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, et seq., as may be amended.

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

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

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

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

**Approved Laboratory Procedure** - The procedures defined as 'Standard Methods' in this article, or other procedures approved by the designated Sewer Administrator, for flow measurement or determination of the concentration of pollutants or their surrogates in waters, waste waters, and/or sludges.

**ASTM, denoting American Society for Testing and Materials** - The latest edition of any ASTM specification, when stipulated in this Law.

**Authorized Representative of the Industrial User** - An authorized representative of the industrial user may be: a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (b) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; (c) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**Board of Health** - In the Town of Johnsbury, the Town Board itself constitutes the Board of Health under New York Public Health Law § 302.

**BOD, denoting Biochemical Oxygen Demand** - The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

**Builder** - Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

**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 building walls, and conveys it to the building lateral, which begins five (5) feet outside the inner face of the building wall.

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

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

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

**Composite Sample** - The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified period. The individual samples may have equal volumes, or the individual volumes may be proportioned to the flow at the time of sampling.

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

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

**Control Authority** - The term shall refer to "Approval Authority", or to the Sewer Administrator when NCSS has an approved pretreatment program under the provisions of 40 CFR § 403.11.

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

**Conventional Pollutant** - A pollutant that the NCSS treatment plant was designed to treat, defined in accordance with THE ACT.

**Cooling Water** - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this Law.

**County** - The county in which the system is located.

**Developer** - Any person who subdivides land for the purpose of constructing, or causing to be constructed, buildings for which wastewater disposal facilities are required.

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

**Domestic Wastes** - see Sewage, Domestic.

**Dry Sewers** - The sanitary sewer installed in anticipation of future connection to the NCSS but which is not used, in the meantime, for transport of storm or sanitary sewage.

**Effluent** - Effluent is liquid waste, like sewage or industrial discharge, that flows out from a treatment plant, sewer, or industry into a permitted river or stream.

**End of Pipe** - For determining compliance with limitations prescribed by Article 9, end of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the NCSS.

**End of Pipe Concentration** - The concentration of a substance in a sample of wastewater at end of pipe.

**End of Process Concentration** - see National Categorical Pretreatment Standard.

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

**EPA, USEPA, or U.S. Environmental Protection Agency** - The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also, may be used as a designation for the Administrator or other duly authorized officials of this Agency.

**Equivalent Dwelling Unit** - Equivalent Dwelling Unit (EDU) is a numerical value designation where one EDU is assumed to be 170 gallons per day sewage flow from a single-family residential household. EDU equivalents for properties other than a single-family residential household are as provided in Article 12.:

**Equivalent Dwelling Unit Classification** The classification of units shall mean the benefits and quantities of usage of the sewage works as signed to different classifications of real property in the Town. The basis of the fee for sewer capital fee to be paid by the owners of real property served or required to be served shall be determined from the schedule in Article 12 where 1 EDU equals 170 gallons per day as required by United States Department of Agriculture (USDA).

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

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

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

**Flow Rate** - The quantity of liquid or waste that flows in a certain period of time.

**Garbage** - The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

**Global Positioning System** - A satellite-based hyperbolic navigation system owned by the United States Space Force. GPS is one of the global navigation satellite systems (GNSS) in the world that provide geolocation and time information to a GPS receiver anywhere on or near the Earth where signal quality permits. Although the United States government created, controls, and maintains GPS, it is freely accessible to anyone with a GPS receiver.

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

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

**Indirect Discharge** - The introduction of wastewater into the NCSS for treatment and ultimate discharge of the treated effluent to the State's Waters. (For reference, see Direct Discharge).

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

**Industrial Chemical Survey (ICS)** - The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

**Industrial User** - Any nonresidential user served by the POTW, which user is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under one of the following divisions:

- a) Division A: Agriculture, Forestry and Fishing.
- b) Division B: Mining.
- c) Division D: Manufacturing.

- d) Division E: Transportation, Communications, Electrical, Gas and Sanitary Services.
- e) Division I: Services.

**Industrial Wastes** - The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

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

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

**Interference** - A discharge which, alone or in conjunction with discharges by other sources,

(a) inhibits or disrupts the NCSS, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) therefore, is a cause of a violation of any requirement of the NCSS SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the NCSS in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

i – Clean Water Act 33 U.S.C. § 1345 - Disposal or use of sewage sludge, Section 405 (d) of THE ACT,

ii - the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act - RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA),

iii - Clean Air Act,

iv - Toxic Substances Control Act, and

v - Marine Protection Research and Sanctuaries Act.

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

**Lateral, Street** - The sewer extension from the public sewer to the property line.

**National Categorical Pretreatment Standard, or Categorical Standard** - Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with THE ACT Section 307 (b) and c) (33 U.S.C. § 1317), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

**National Pollutant Discharge Elimination System (NPDES) Permit** - A permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).

**National Prohibitive Discharge Standard, or Prohibitive Discharge Standard** - Any regulation developed under the authority of Clean Water Act Section 307 (b) of THE ACT, and 40 CFR, Section 403.5.

**Natural Outlet** - Any outlet, including storm sewers and combined sewer overflows, to State's Waters.

**New Owner** - That individual or entity who purchased property within the Service Area of the NCSS district after the effective date of this law.

**New Sewer** - Subdivisions located within the NCSD and within the service area.

**New Source** - Any source, the construction of which is commenced after the publication of the proposed regulation prescribing a THE ACT Section 307 (c) (33 U.S.C § 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated.

**New User** - A discharger to the NCSS who commences discharge after the effective date of this Law.

**NYSDEC** - New York State Department of Environmental Conservation. The NYSDEC was established to conserve, improve, and protect New York's natural resources and environment while preventing pollution to enhance public health and welfare.

**Normal Sewage** - see Sewage, Normal.

**NCSD** - North Creek Sewer District representing an area of land consisting of or including portions of multiple tax map parcels of land being situated in the Town of Johnsborg, County of Warren and State of New York more particularly as described per the Town Board Resolution approving the District. . The NCSD consists of Zone 1 and Zone 2 pursuant to Article 1.

**NCSS** – North Creek Sewer System an onsite wastewater disposal system that has been approved and authorized under state law and regulations to handle sewage and meet SPDES discharge limits as approved by USDA from a district located in the Town of Johnsborg, New York.

**NCSS Sewer Use Law** – This document represents the NCSS Sewer Use Law.

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

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

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

**Other Wastes** - Garbage (shredded or un-shredded), refuse, wood, eggshells, coffee grounds, animal litter box contents, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes. Also, the discarded matter not normally present in sewage or industrial waste.

**Pass Through** - The discharge which exits the NCSS 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 NCSS SPDES permit (including an increase in the magnitude or duration of a violation).

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

**Person** - Any individual, public or private corporation, political subdivision, Federal, State, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

**PFAS** - Per and polyfluoroalkyl substances are a class of thousands of synthetic organofluorine chemicals typically used at less than one percent by weight in many general consumer and industrial products since the 1960s. Once thought to be inert, some of the PFAS class are classified as persistent organic pollutants with adverse effects to human health and the environment.

**pH** - The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter of solution. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acidic conditions.

**Phosphorus, total** - See total phosphorus.

**Pollutant** - Any material placed into or onto the State's waters, lands, and/or airs, which interferes with the beneficial use of that water, land, and/or air by any living thing at any time.

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

**Pretreatment (Treatment)** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the NCSS. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by dilution per 40 CFR, §403.6 (d). Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.

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

**Pretreatment Standard or National Pretreatment Standard** - Any Categorical Standard or Prohibitive Discharge Standard.

**Priority Pollutants** - The most recently revised or updated list, developed by the USEPA, in accordance with THE ACT.

**Prohibitive Discharge Standard** - see National Prohibitive Discharge Standard.

**Properly Shredded Garbage** - The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (1/2) inch in any dimension.

**POTW Treatment Plant** - That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

**Publicly Owned Treatment Works (POTW)** - A treatment works, as defined by Section 212 of THE ACT, (33 U.S.C § 1292), which is owned, in this instance, by the North Creek Sewer District. This

definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

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

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

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

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

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

**Service Area of the NCSS** - The legally defined bounds of real property from which wastewater may be discharged into the NCSS. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Town of Johnsburg Board.

**Sewage** - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and storm water as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered "sewage", within the meaning of this definition.

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

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

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

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

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

**Sewage Treatment Plant (Water Pollution Control Plant)** - see POTW Treatment Plant.

**Sewage, Unusual Strength, or Character** - Sewage which has characteristics greater than those of Normal Sewage and /or which contains Substances of Concern.

**Sewer** - A pipe or conduit for carrying or transporting sewage.

**Sewer Administrator** - That individual designated by the Town of Johnsborg Board as an Administrator of the sewer treatment system. Such individual(s) shall be licensed to practice engineering in the State and otherwise qualified to oversee water treatment and distribution and NCSS operations. The sewer administrator is the Town Engineer who may provide a NYSDEC certified wastewater treatment plant operator.

**Sewer, Combined** - A sewer designed to receive and transport both surface runoff and sewage.

**Sewer, Public** - A sewer in which all abutting property owners have equal rights, and the use of which is controlled by the Town of Johnsborg and the NCSS district.

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

**Sewer, Storm (Storm Drain)** - A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

**Sewerage System (also POTW)** - All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the NCSS treatment plant.

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

**Significant Industrial User** - see User, Significant Industrial.

**Significant Non-Compliance (SNC)** - A User is in significant non-compliance if its violation(s) meet(s) one or more of the following criteria:

- Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter; or
- Technical Review Criteria (TRC) violations, defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);
  - Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Town of Johnsborg Board determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of NCSS personnel or the general public);

- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Town of Johnsbury Board 's exercise of its emergency authority under Article 11 of this Law;
- Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- Failure to report accurately any non-compliance;
- Any other violation which the Town of Johnsbury Board determines will adversely affect the implementation or operation of the local pretreatment program.

**Slug** - A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal user operations, shall constitute a slug.

**SPDES Permit** – A SPDES permit is required for discharges to surface waters in New York state and must meet all applicable. State approved SPDES permits provide water quality standards and effluent limitations per NYDEC regulations, 6 NYCRR Section 750-1.11(a). Permits provide a list of standards, limitations, and other requirements. SPDES permits are typically renewed every five years.

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

**State** - State of New York.

**State's Waters** - See Waters of the State.

**STEP Tank** - A Septic Tank Effluent Pumping (STEP) tank is a watertight, on-lot storage container that receives raw sewage, allowing solids to settle and degrade, while a pump discharges only the liquid effluent through small-diameter pipes to a pressurized sewer system. It serves as a decentralized, pump-assisted alternative to conventional gravity sewers. A STEP tank includes a septic tank, a submersible pump, a screened intake to prevent solids from leaving, and a control panel with high-water alarms. Solids accumulated in a STEP tank must be pumped out periodically.

**Storm Water** - Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

**Substances of Concern** - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to humans or the environment.

**Sump Pump** - A mechanism used for removing water from a sump or wet well.

**Suspended Solids** – Also known as total suspended solids (TSS). The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settle-able, and can be removed from the sample by filtration, expressed in milligrams per liter.

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

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

**The Town or the Town of Johnsburg** - The Town of Johnsburg (TOJ) as incorporated in 1805.

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

#### **USDA - United States Department of Agriculture**

**User** - Any person who contributes, causes, or permits the contribution of wastewater into the NCSS.

**User, Existing** - A discharger to the NCSS is/was hooked up during the initial construction of the sewer system, and further anyone who is hooked up after initial construction and is discharging into the system.

**User, Industrial** - A discharger to the NCSS who discharges non-domestic wastewaters.

**User, New** - A discharger to the NCSS who initiates discharge after the effective date of this Law.

**User, Significant Industrial (SIU)** - An industrial user of the NCSS District who is:

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

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

**Volume Fee (User Fee)** - The demand sewer use fee which is based, on the EDU of normal sewage discharged into the NCSS (there may be surcharges, as provided for in Article 12). The EDU Fee shall be based on a specific cost per EDU, assuming 1 EDU is equivalent to 170 gallons per day (GPD). The specific Fee shall be subject to approval by the Town of Johnsburg Board. The moneys so obtained shall be used for current operation and maintenance, for retirement of bonded indebtedness, and for funding of capital projects, of the NCSS. The basis of EDU Fee calculations shall be made available to

the public, on demand, as provided in Article 13. The EDU Fee shall be looked at annually and recalculated as needed, as well as the surcharge rates.

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

**Wastewater Discharge Permit** - A permit as set forth in Article 10 of this Law.

**Wastewater Treatment Plant Operator** - Such individuals shall have a NYSDEC Operator License of at least the grade level specified by the NYSDEC, N-1 or higher. New York regulations at 6NYCRR Part 650, require wastewater treatment plants to be supervised by a certified operator. A NYSDEC Wastewater Treatment Plant Operator is an individual(s) determined to be qualified as a chief operator or assistant/shift operator for the complete and actual operation of a POTW treatment plant for the purpose of meeting the requirements of its SPDES permit

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

**Well** - Well means any shaft or pit dug or bored into the earth, generally in a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

## Section 202 - Abbreviations

The following abbreviations shall have the designated meanings:

ANSI - American National Standards Institute  
ASTM - American Society for Testing and Materials  
AWWA - American Water Works Association  
BOD - Biochemical Oxygen Demand  
BOD5 - Five -Day Biochemical Oxygen Demand  
CFR - Code of Federal Regulations  
CPLR - Code of Public Law and Rules  
COD - Chemical Oxygen Demand  
CSO - Combined Sewer Overflow  
EDU - Equivalent Dwelling Unit  
EPA - Environmental Protection Agency  
GPD - Gallons Per Day  
GPS - Global Positioning System  
Hg - Mercury  
L - Liter  
LEL - Lower Explosive Limit  
Mg - Milligram  
Mg/l - Milligrams per liter  
NCPI - National Clay Pipe Institute  
NCSD - North Creek Sewer District  
NCSS - North Creek Sewer System  
NPDES - National Pollutant Discharge Elimination System  
NYSDEC - New York State Department of Environmental Conservation  
NYSDOH - New York State Department of Health  
NYSDOT - New York State Department of Transportation  
MGP - Million gallons per day  
OM - Organic Matter  
P - Total Phosphorus

Sewer Use Law

Effective: June XX, 2026, Draft 28Apr2026

PFAS - Per and polyfluoroalkyl substances  
PSI - Pounds per Square Inch  
PSIG - Pounds per Square Inch Gauge  
POTW - Publicly Owned Treatment Works  
PPM - Parts per Million, weight basis  
PVC – Polyvinyl Chloride  
SIC - Standard Industrial Classification  
SPDES - State Pollutant Discharge Elimination System  
STEP - Septic Tank Effluent Pump  
SWDA - Solid Waste Disposal Act, 42 U.S.C. Chapter 82 §§ 6901, et seq.  
TKN - Total Kjeldahl Nitrogen  
TSS - Total Suspended Solids or Suspended Solids  
TTO - Total Toxic Organics  
UC – User Charge  
U.S.C. - United States Code of Laws  
USDA -United States Department of Agriculture  
USEPA - United States Environmental Protection Agency  
WCHD - Warren County Health District  
WWTP – Wastewater Treatment Plant

### **Section 203 - Undefined Terms –**

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

## **Article 3 - Use of Public Sewers**

### **Section 301 - Waste Disposal Unlawful**

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Town of Johnsborg or in any area under the jurisdiction of the said municipality, any human or animal excrement, garbage, objectionable waste or parameters of concern (Appendix A). Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

### **Section 302 - Connecting Private Sewage system to Storm Sewer Unlawful**

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

### **Section 303 - Discharge of Sewage into Well Prohibited**

No person shall discharge sewage into a well.

### **Section 304 - Wastewater Discharge Unlawful**

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

### **Section 305 - Building Permit Allowed Only When Approved Wastewater Disposal Available**

No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this Law, is available. All housing construction or building development which takes place after this Law is enacted shall provide for an approved system of sanitary sewers, within the NCSD.

### **Section 306 - Private Wastewater Disposal Unlawful**

Except for the Mountain Sewer Company Sewer System and as hereinafter provided, it shall be unlawful to construct any new privy, privy vault, cesspool, septic tank, or other facility intended or used for disposal of wastewater within the NCSD.

### **Section 307 - Connection to Public Sewer**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the NCSD, and abutting on any street, in which there is now located or may, in the future be located a public sewer, have the option to hook up the NCSS. Those that do not will still be charged an EDU cost for capital, interest, and debt service only, and if hooked up after NCSS construction, only then would O&M be also included. Hook up will be at the owner's expense after NCSS construction. Any septic tank and/or leach field within the NCSS district that fails or needs replacement or repairs will no longer be allowed and the property will be required to hook up to the NCSS with any cost being at the owner's expense. Any new construction or development within the NCSD will be required to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this law, within ninety (90) days after official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

Septic tanks and leach fields shall not operate indefinitely within the NCSD, after twenty (20) years of start-up of the NCSS (anticipated, fall 2026). All buildings requiring wastewater removal shall connect to the NCSS and abandon the use of the septic tank and leach field by the end of year 2046.

### **Section 308 - Limitation on Use of Public Sewers**

The use of the NCSS public sewers shall be strictly limited and restricted, to receive and accept the discharge of sewage and other wastes, set forth in section 307 generated on or discharged from real property within the metes and bounds of the NCSD.

The sewer administrator with the approval of the Town of Johnsburg Board is hereby authorized and empowered to consider applications for connections to a NCSS facility by businesses, industries and other users from outside the geographical boundaries of a district for inclusion and acceptance into the district as outlined in Section 502 B

The Town of Johnsburg, when considering applications for connection to the NCSS facility and expansion of the district by businesses, industries and other users from outside the geographical boundaries of a district, shall first make a determination that the connection is in the best interests of the residents of the district and shall consider the following: (1) The environmental impact of the proposed connection; (2) The tax impact of the proposed connection on the affected sewer district; (3) Whether the applicant can demonstrate that an economic benefit will accrue, either through an increase in jobs or an increase in property tax revenue to the town and County, as a result of the sewer connection; (4) Whether there is adequate capacity within the affected sewer district to absorb the outside connection; and (5) Whether the proposed application shall provide an economic benefit to the area..

Connections outside the geographical boundaries of the NCSS district that are considered for district expansion may be required as part of their agreement with the district to treat the effluent in ways not required for in district users and may be required to install pre-treatment capabilities as deemed necessary by the Town of Johnsburg or designated representative and sewer administrator.

### **Section 309 - Moratorium**

At the recommendation of the Town of Johnsburg Board or designated representative, who determines that:

- one or more segments of the NCSS is exceeding its hydraulic capacity at any time, or
- any specific purpose of this Law and Article 1 is being violated,

The Town of Johnsburg Board shall have the authority to limit or deny new connections to the NCSS until the conditions leading to the moratorium are corrected. Such correction may be by:

- construction of new facilities
- enlarging existing facilities
- correction of inflow and infiltration
- cleaning and repairing of existing facilities

**Sewer Use Law**

**Effective: June XX, 2026, Draft 28Apr2026**

### **Section 310 - Basis of Sewer Use Requirement**

All requirements, directives, and orders calling for mandatory use of the sewers, or grandfathered septic systems within the Service Area of the NCSS, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Town of Johnsburg Board, NYSDEC, USEPA, and/or other such State or Federal agencies, which have enforcement powers.

## **Article 4 - Private Wastewater Disposal**

### **Section 401 - Public Sewer Unavailable - Private Wastewater Disposal Required**

Where a public sewer is not available, under the provisions of Section 304, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the Rules and Regulations of the NYSDOH, to be enforced by the Town of Johnsburg Zoning Enforcement Officer and the Warren County Health District (WCHD).

### **Section 402 - Connection of Two Buildings to the Same Septic Tank Prohibited**

No two separate new permanent buildings, where the intended use for either is for a distinct and separate business or a dwelling place for a private family or families, shall be connected to the same individual septic tank and tile absorption field.

### **Section 403 - Construction Permit Application**

A completed application form, containing results of percolation tests, computations, and a plot plan, including the design and cross-section of the wastewater disposal system, in relation to lot lines, adjacent and on-site well or water supply, and buildings, shall be submitted to the Town of Johnsburg Zoning Enforcement Officer. A fee, established by Article 12, shall accompany the application. The wastewater disposal system shall be designed by a professional engineer, licensed surveyor, or architect, and shall be in accordance with the NYSDOH "Standards for Waste Treatment Works" or NYSDEC "Standards for Commercial and Institutional Facilities", as appropriate.

### **Section 404 - Construction Permit**

A written construction permit shall be obtained from Warren County Buildings and Codes department before construction commencement. The Town of Johnsburg Zoning Enforcement Officer and/or the building inspector and/or their designated representative shall be permitted to inspect the construction work at any stage, without prior notice.

### **Section 405 - Preventing Nuisances - Rehabilitation Required**

When the liquid or liquid-borne effluent from a private wastewater disposal system pools on the ground surface or enters any watercourse, ditch, storm sewer, or water supply system, located in the Town of Johnsburg, in such a manner, volume, and concentration so as to create a hazardous, offensive, or objectionable condition, in the opinion of the Town of Johnsburg Zoning Enforcement officer, the Town of Johnsburg Board, Warren County Board of Health, or the NYSDOH, the owner of the premises upon which such wastewater disposal system is located, upon receiving written notice from the Zoning Enforcement officer or the Johnsburg Board or the Warren County Board of Health, to do so, shall, within ninety (90) days, after receipt of such notice, repair, rebuild, or relocate such wastewater disposal system for the purpose of eliminating such hazardous, offensive, or objectionable conditions. The repair, rebuilding, or relocation of the system shall be accomplished in accordance with the rules and regulations of the NYSDOH and the Town of Johnsburg Zoning Enforcement Officer, at the owner's expense. If this occurs within the NCSS district the property will be required to hook up to the NCSS at the owners' expense. Any remediation of any spill required, initiated or ordered by the Town of Johnsburg Zoning Enforcement officer, the Johnsburg Board, the Warren County Board of Health, the NYSDOH or the NYSDEC, either on public or private lands resulting from the effluent from a private wastewater disposal system will be a cost at the owner's expense.

### **Section 406 - Sanitary Operation Required**

The owner shall operate and maintain the private wastewater disposal system in a satisfactory manner at all times, at the owner's expense.

### **Section 407 - Septage Removal**

Where a private wastewater disposal system utilizes a cesspool or a septic tank, septage shall be removed from the cesspool or septic tank, by a licensed hauler of trucked and hauled wastes, at three-year intervals or more frequently. Pump-out extensions can be granted by the Town of Johnsburg Board or designated representative if a specific tank measurement inspection of the tank has been completed showing that sludge and scum accumulation is less than one-fourth of the tank depth and scum is greater than 6 inches from outlet or within the safe operating levels for a STEP tank.

### **Section 408 - Direct Connection to New Public Sewers**

At such time that a public sewer becomes available to a property, wherein district expansion owners will be able to make a direct connection to the public sewer, in compliance with this Law, and any cesspool, septic tank, and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed at the owners expense. When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate.

### **Section 409 - Additional Requirements**

No statement in this Article shall be construed to prevent, or interfere with, any additional requirements that may be deemed necessary by , the Town of Johnsburg Board, the Town of Johnsburg Zoning Enforcement Officer, the Warren County Board of Health or the NYSDOH to protect public health and public welfare.

## **Article 5 – New Sewers or Sewer Extensions**

### **Section 501 - Proper Design**

New sanitary sewers and all extensions to sanitary sewers owned and operated by the NCSS District shall be designed, by a professional licensed to practice sewer design 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 the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from the Town of Johnsburg Board, and the NYSDEC, before initiating any construction. The design shall anticipate and allow for flows from all potential future extensions or developments within the immediate drainage area.

If, however, there is inadequate capacity in any sewer to treat the wastewater properly, the application shall be denied. Sewer line and NCSS treatment plant current use shall be defined as the present use and the unutilized use which has been committed, by resolution, to other users by the Johnsburg Town Board.

### **Section 502 - Town of Johnsburg Costs and expenses; indemnification of Town of Johnsburg.**

All costs and expenses incidental to the installation and connection of the building to the sewer including reviews and inspections by the sewer administrator (i.e. Town Engineer) shall be borne by the owner(s). The owner(s) shall indemnify the Town of Johnsburg from any loss or damage that may directly or indirectly be occasioned during connection installation.

### **Section 503 – Permit Required**

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town of Johnsburg. New sanitary sewers and all extensions discharging to sanitary sewers owned and operated by the NCSD shall be designed, by a professional licensed to practice sewer design 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 the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from the Sewer

Administrator, the Town of Johnsborg, and the NYSDEC, before initiating any construction. The design shall anticipate and allow for flows from all potential future extensions or developments within the immediate drainage area.

### **Section 503 A - New Sewers/ Subdivisions within NCSD and service area. Subject to Approval, Fees, Inspection, Testing, and Reporting**

For new sewers/subdivisions that are within the NCSD and within the service area, plans, specifications, and installation methods are subject to approval. When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision within the NCSD, the plans, specifications, and method of installation shall be subject to the approval of the Town of Johnsborg Board, in accordance with Section 501. Said property owner, builder, or developer shall pay for the entire installation, including a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other NCSS District expenses incidental thereto, including reviews and inspections by the sewer administrator (i.e. Town Engineer). (Each street lateral shall be installed and inspected pursuant to Article 6, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 503, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. Depending on the size, scope and Zone of the project additional pretreatment requirements may be made as part of the design requirements. The installation of the sewer shall be subject to periodic inspection by the Town of Johnsborg Board designated representative or sewer administrator, without prior notice. The Town of Johnsborg Board designated representative or sewer administrator shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 505, before any building lateral is connected thereto. The Town of Johnsborg Board shall be notified thirty (30) days in advance of the start of any construction actions so that such inspection frequencies and procedures that may be necessary or required, may be established. No new sanitary sewers will be accepted by the Johnsborg Town Board until such construction inspections have been made so as to assure the Johnsborg Town Board of compliance with this Law and any amendments or additions thereto. The Town of Johnsborg Board designated representative has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction at the owner's expense. The Town of Johnsborg designated representative shall report all findings of inspections and tests to the Johnsborg Town Board.

### **Section 503 B New subdivisions outside the Service Area and within the District**

New subdivisions outside the Service Area and within the District need to apply to town for Approval. Any service area extension requires a resolution by the Town Board. The Town will require the following items for the Town Engineer to review 30 days prior to any action:

- (a) Completed Sewer Service Area Extension application form
- (b) Sewer Evaluation report which addresses: supply, demand, type of construction, plans and specifications, a narrative of the project, number of homes or structures, Step and settling tanks if required, pumps and mains, and any further relevant information requested by the Town's Engineer
- (c) A site map showing existing Service Area and proposed new boundaries with associated tax map boundaries
- (d) Project schedule
- (e) An estimate of project cost and Operational & Maintenance requirements

It shall be the developer's responsibility to complete any Sewer supply improvements or upgrades needed for the NCSD to support the project. The Developer must fund all aspects of the improvements and present a schedule for implementation. After receiving Town approval of the Sewer Service Area Extension application, it is the obligation of the developer to construct the main(s) in accordance with any conditions specified in the approved permit, the Town Code, the NCSS Sewer Use Law and all NYSDOH and NYSDEC requirements.

The following items will be required prior to Town Board Resolution for acceptance of mains:

- (i) Submittal of Sewer Supply Application to NYSDEC and complete application notice.
- (ii) Complete set of plans with written approval from NYSDOH if needed
- (iii) Certification by design engineer that construction was done in accordance with approved plans and specifications

**Sewer Use Law**

**Effective: June XX, 2026, Draft 28Apr2026**

- (vi) Construction approval from the Town Engineer
- (vii) All Town fees and Town Engineering costs have been paid
- (viii) A one-year warranty from contractor
- (ix) A bond, if necessary, may be required to cover incremental cost of operation and maintenance increase.
- (x) Certified As-Builts
- (xi) Town and State approval for a Transportation corporation, if required, for any portion of a subdivision's Sewer system

Upon the Town's acceptance of main(s) from the developer, service connections made to the newly constructed main shall be subject to the same fee structure as pursuant to Article 12 .

### **Section 503C - Classes of permits; application; fee; conditions.**

There shall be two classes of building sewer permits: one for residential and commercial service and another for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the Town of Johnsburg. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of Town of Johnsburg Board or designated representative or in accordance with NCSS Sewer Use Laws adopted by the Town of Johnsburg Board. A permit and inspection fee of \$25 for a residential building sewer permit or \$100 for a commercial building sewer permit and \$200 for an industrial building sewer permit shall be paid to the Town of Johnsburg at the time the application is filed.

Industrial Permits generally.

- (1) Maximum time period for the permit to discharge industrial wastes shall be for three years. In the judgment of the Town of Johnsburg, this period can be extended upon receipt of the proper application form and upon all other specifications and conditions being met for two-year periods.
- (2) The permit's terms and conditions may be subject to modification by the Town of Johnsburg.
- (3) An industrial waste discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or for a new or changed operation.
- (4) The owner or agent of an industrial waste discharge permit shall apply for a permit modification if production or process is changed so that the wastewater characteristics or flow is altered.
- (5) Any violation not corrected after sufficient notice is given of such violation shall result in the revocation of the permit.
- (6) All permit applications shall include information concerning volume, constituents and characteristics of wastewater, flow rates, each product produced by type, amount and rate of production and description of activities, facilities and plant process on the premises, including all materials processed and types of materials which are or could be discharged.
- (7) Conditions of industrial waste discharge permits shall be uniformly enforced by the Town of Johnsburg in accordance with the NCSS Sewer Use Law herein and applicable state and federal regulations. Also, the permits shall be expressly subject to all provisions of the NCSS Sewer Use Law and all other regulations, user charges and fees established by the Town of Johnsburg and applicable state and federal regulations.
- (8) Permits shall contain specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (9) Major contributing industries shall further comply with the requirements of all Articles including Article 6.

If there is inadequate capacity in any sewer which would convey the wastewater or if there is insufficient capacity in the NCSS treatment plant to treat the wastewater properly, the application shall be denied. Sewer line and NCSS treatment plant current use shall be defined as the present use and the unutilized use which has been committed, by resolution, to other users by the Johnsburg Town Board.

### **Section 504 - Separate sewer required for each building; exception.**

A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the Town of Johnsburg

does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

#### **Section 505- Use of Old Septic Systems.**

Old building septic systems may be used in connection with new construction only when, on examination and test by the Town of Johnsburg or designated representative are found, to meet all requirements of the NCSS Sewer Use Law herein.

#### **Section 506 - Material and procedure specifications.**

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other rules and regulations applicable in the Town of Johnsburg. In the absence of Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and the Water Environment Federation Manual of Practice No. 9 shall apply. Each building sewer serving not more than five water closets shall not be less than four inches in inside diameter. When serving more than five water closets, the size of the building sewer shall be increased to sufficient capacity to meet all requirements but shall be a minimum of six inches in inside diameter.

#### **Section 507 - Elevation of building sewer.**

Whenever possible, the building sewer shall be brought to the building at an elevation above 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 to the building sewer.

#### **Section 508 - Connection of surface runoff and groundwater.**

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Town of Johnsburg Board or designated representative for purposes of disposal of polluted surface drainage.

#### **Section 509 - Compliance with connection regulations required.**

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other rules and regulations applicable to the Town of Johnsburg or the procedures set forth in appropriate specifications of the American Society for Testing Materials and the Water Environment Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight and shall be verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Town of Johnsburg Board or designated representative before installation.

#### **Section 510 - Inspection and testing.**

The applicant for the building sewer permit shall notify the Town of Johnsburg Board before installation when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Town of Johnsburg Board or designated representative before installation.

#### **Section 511 - Guarding excavations; restoration of property.**

All excavations for building sewer installations shall be adequately guarded with barricades and lights 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 of Johnsburg.

**Section 512 A - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting** When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be subject to the approval of the Sewer Administrator, and the Town of Johnsburg Board, in accordance with Section 501. Said property owner, builder, or developer shall pay for the entire installation, including a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other NCSS District

**Sewer Use Law**

**Effective: June XX, 2026, Draft 28Apr2026**

expenses incidental thereto, including reviews and inspections by the sewer administrator (i.e. Town Engineer). Each street lateral shall be installed and inspected pursuant to Article 6, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 503, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. Depending on the size, scope and zone designation of the project additional pretreatment requirements may be made as part of the design requirements. The installation of the sewer shall be subject to periodic inspection by the Sewer Administrator, without prior notice. The Sewer Administrator shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 505, before any building lateral is connected thereto. The Sewer Administrator shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Johnsborg Town Board until such construction inspections have been made so as to assure the Johnsborg Town Board of compliance with this Law and any amendments or additions thereto. The Sewer Administrator has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The Sewer Administrator shall report all findings of inspections and tests to the Johnsborg Town Board.

### **Section 513 - Plans, Specification, and Pipe Test Results**

Required Plans, specifications, and methods of installation shall conform to the requirements of this Article. Components and materials of wastewater facilities not covered in this Law, such as pumping stations, lift stations, or force mains shall be designed in accordance with Section 501, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Force main details are covered in Section 506. When requested, the applicant shall submit to the Sewer Administrator, Town of Johnsborg Zoning Enforcement Officer, and the Town of Johnsborg Board, all design calculations, and other pertinent data to supplement review of the plans and specifications to include the following:

- (i) NYSDEC approval of said plans
- (ii) Documentation of all estimated flow
- (iii) Certification by a NYSPE, hired by the applicant, whom was responsible for construction oversight
- (iv) Approval from the Town Engineer
- (v) All application and review fees noted in the "Sewer Connection Application Form"
- (vi) Any additional cost needed to modify the Sewer district to support the project as required by the Sewer Administrator (i.e. Town Engineer).

Only after all of the above conditions have been satisfactorily addressed will the Town consider accepting ownership of the main and sewer components. Upon the Town's acceptance of each sewer main and components, the appropriate inspection fee will be paid in full, in compliance with "Appendix A". A bond will be required to cover the incremental cost of operational and maintenance increases, if necessary, as determined by the Town Board.

Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished, upon request.

### **RESERVED - Sections 514 through 519 Draft Specifications**

## **Article 6 - Building Laterals, Street Laterals Connections, and Fees**

### **Section 601 A - Permit Required for Sewer Connections**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town of Johnsborg Board.

### **Section 601 B - Illicit Discharges and Connections Prohibited**

No person shall discharge or cause to be discharged any storm water, cooling water or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer.

### **Section 602 A- Sewer Lateral Permits**

There shall be two classes of sewer lateral permits:

- (1) For residential, commercial, and institutional service,
- (2) For service to establishments producing industrial wastes. In either case, a permit application shall be submitted to the Town of Johnsborg Board or designated representative. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgement of the Town of Johnsborg Board or designated representative. A fee for residential, commercial, institutional, and industrial users, as established by the Town of Johnsborg Board, shall accompany the application.

### **Section 602 B- Additional Sewer lateral Permits**

A sewer lateral that enters a Town, county, state roadway will require an additional permit from the Town Highway department, The Warren County Public Works, or the NYSDOT

Laterals that cross over another private property boundary prior to connection to the main requires permitting from both the town and the other property owner and should be avoided if at all possible.

The applicant shall be responsible for procurement of all required permits, at their cost.

### **Section 603 A - New Building Laterals**

A separate and independent building lateral shall be provided for every building requiring sanitary facilities. When, however, there is a building behind a front building, the second building may use the front building's building lateral, if there is no other way to provide sanitary service to the back building.

New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the Town of Johnsborg Board or designated representative has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be:

- (1) exposed and totally encapsulated in not less than three inches of concrete, or
- (2) exposed and walled and the building rooms above positively ventilated outdoors.

All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the Sewer Administrator. No new manholes shall be constructed on the portion of the lateral under the building.

### **Section 603 B - Laterals Serving Several Buildings**

When building laterals are to serve multiple dwelling structures, the building lateral shall be sized in accordance with the water use and with sound professional engineering judgement.

### **Section 603 C - Laterals Serving Complexes**

Where a lateral sewer is to serve a complex of industrial, commercial, institutional, or dwelling structures, special design of the building lateral system shall be required. Such lateral sewer shall be connected to the public sewer through a manhole. The Town of Johnsburg Board designated representative or the Sewer Administrator shall determine if and where this connection to the public sewer is required. If required, a new manhole shall be installed in the public sewer pursuant to Section 503 D and 1007 and the lateral connection made and tested as directed by the Sewer Administrator. Plans and specifications shall be prepared and submitted for approval pursuant to this Law.

### **Section 603 D - Dry Sewers**

Dry Sewers shall be designed and installed in accordance to this Law.

### **Section 604 - Using Existing Building Laterals**

Existing building laterals may be used in connection with new buildings only when they are found, on examination by the Sewer Administrator, to meet all requirements of this local Law.

### **Section 605 - Lateral Pipe Materials**

Building and street lateral pipe materials shall be one of the following:

1) Tar-coated, service grade, cast iron soil pipe conforming to ASTM Specification A-74, "Cast Iron Pipe and Fittings". All dimensions, weight and markings of the pipe shall conform to the requirements of ANSI, Designation A112.5.1, except spigot ends shall be "plain end", if gasket joints are used.

(2) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-3034-73, "SDR-35 Polyvinyl Chloride (PVC) Sewer Pipe and Fittings". All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. The bell shall consist of an integral wall section stiffened with two PVC retainer rings which securely lock the solid cross-section ring into position. Minimum "Pipe Stiffness" (F/Y) at five percent (5%) deflection shall be 46 PSI when tested in accordance with ASTM Specification D-2412.

Any part of the building or street lateral that is located within five (5) feet of a water main or water service shall be constructed of cast iron soil pipe. Cast iron soil pipes may be required by the Sewer Administrator where the building or street lateral is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the Sewer Administrator. The distance between consecutive joints, as measured along the centerline of the installed pipe, shall not be less than ten (10) feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by the Sewer Administrator. The size and slope of building and street laterals shall be subject to approval by the Sewer Administrator, but in no event shall the internal pipe diameter be less than 4 inches, nor shall the pipe slope be less than 1/4 inch per foot.

The street lateral shall include a full port curb stop with flow-through diameter equal to that of the lateral. A curb box shall be installed.

### **Section 606 A - Street Lateral to Public Sewer Connection**

At the point of connection of a street lateral to a main sewer, a standard wye fitting and sufficient one-eighth (45 degree) bend fittings shall be used. The wye fittings shall be installed so that flow in the "arm" shall transition smoothly into the flow in the public sewer. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles.

The inside diameter of the fittings shall be same diameter as the street lateral inside diameter.

### **Section 606 B - Future Connection Locations; As-Built Drawings**

The street lateral, including the wye and eighth bend fittings, shall be connected to the main sewer at the time of constructing the main sewer, for each proposed lot for either immediate or future development. Laterals

installed for future development shall be fitted with a standard plug approved for use by the Sewer Administrator. All sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a 2-inch by 6-inch corrosion and rot resistant board. The boards will stay in place until removal is approved by the Sewer Administrator. The marker board shall extend from the depth of the lateral to a minimum of two (2) feet above grade. The location of all lateral connections shall be indicated on a drawing with a minimum of three (3) tie lines indicated in addition to GPS survey data. Four (4) copies of this drawing, showing the as-built location of these connections, shall be furnished to the Town of Johnsburg. A refundable deposit shall be placed with the Town of Johnsburg to assure receipt of these as-builts. The deposit shall be placed when application is made; the amount of the deposit shall be \$100 per sheet of plans showing locations of lateral connections. No sanitary sewer shall be accepted by the or the NCSA until four (4) copies of this record drawing have been filed with the Town of Johnsburg and the Sewer Administrator has approved the submitted drawings.

#### **Section 606 C - Special Manhole Requirements**

When any street lateral is to serve a school, hospital, or similar institution, or public housing, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Sewer Administrator, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Sewer Administrator shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Sewer Administrator. If required, a new manhole shall be installed in the public sewer pursuant to Sections 504 and 1007, and the lateral connection made thereto as directed by the Sewer Administrator.

#### **Section 607 - Laterals At and Near Existing Buildings**

Any work at or near buildings shall have plans submitted and reviewed by the Town of Johnsburg or designated representative.

Building laterals laid parallel to a load bearing wall shall not be installed closer than three (3) feet to such wall. The building lateral shall enter the basement through the basement wall no less than twelve (12) inches above the basement floor. In no event shall any lateral entering a be placed below the basement floor, except with the expressed written approval of the Town of Johnsburg or designated representative.

The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Changes of direction of 90 degrees or greater shall be made with a clean-out which extends to grade, terminating in a terminal box set in concrete. In building laterals, said clean-outs shall be provided such that the maximum distance between clean-outs is 75 feet. The ends of all building or street laterals, which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

New buildings may be designed with laterals below a slab on grade or a basement, upon approval by the Town of Johnsburg or designated sewer administrator.

#### **Section 608 - Sewage Lifting**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the Town of Johnsburg or designated representative.

#### **Section 609 - Lateral Pipe Installation**

All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by Town of Johnsburg or designated representative. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with paragraphs 3 through 6 of ASTM Specification C-12, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 14 inches and, except that no backfill shall be placed until the work has been inspected. The depth of cover over the pipe shall be sufficient to afford protection from frost, but not in any case shall such depth be less than four (4) feet. Where it is physically impossible to provide cover of four (4) feet, the depth

may be reduced to a minimum of two (2) feet and the pipe shall be insulated, as approved by the Sewer Administrator.

#### **Section 610 A - Watertight Joints**

All joints and connections shall be made watertight.

#### **Section 610 B - Cast Iron Pipe Poured Joints**

Poured joints for cast iron pipe shall be firmly packed with oakum or hemp, and the annulus filled with an approved compound not less than 1 inch deep. The said compound shall be run in with a single pouring, and caulked tight, if appropriate for the compound used. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe materials shall be made with special adapters and jointing materials approved by the Sewer Administrator. If such joints are hot-poured, the material shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160 degrees F, nor be soluble in any of the wastes carried by the lateral.

#### **Section 610 C - Cast Iron Push Joints**

Pre-molded gaskets may be used for hub and plain end cast iron pipe joints and joints with fittings, if approved by the Sewer Administrator. The gasket shall be a neoprene compression-type unit which provides a positive seal in the assembled joint. The gasket shall be pre-molded, one-piece unit, designed for joining the cast iron hub and plain end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, non-toxic material, and shall not chemically attack the gasket material.

#### **Section 610 D - PVC Push Joints**

Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto, and conforming to the applicable ASTM specification identified in Section 605.

#### **Section 611 A - Building Lateral/Street Lateral Connection**

(1) The connection of the building lateral to an existing street lateral shall be made at the property line. Except as provided under Section 502, if a street lateral has not previously been provided, the street lateral will be constructed from the existing public sewer to the property line, by a licensed plumber, at the owner's expense. The street 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) The cost of constructing the street lateral from the existing public sewer to the property line shall be at the property owner's expense if a New User (for the initial sewer start-up, hook-up cost will be covered by the NCSD as part of the formation, construction, and original hook-up, assuming an easement is granted for access); all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.

(3) The property owner shall indemnify the Town of Johnsburg and the NCSD from any loss or damage that may directly or indirectly be occasioned by the installation of the building lateral.

(4) It shall be the responsibility of the property owner to maintain, repair, or replace the building lateral, as needed.

(5) The method of connection of the building lateral to the street lateral will be dependent upon the type of sewer pipe material, and, in all cases, shall be approved by the Sewer Administrator. After installation of the street lateral has been approved by the Sewer Administrator, the new street lateral shall become

the property of the NCSD. Any subsequent repairs to the new street laterals shall be made by the NCSD at the NCSD's expense.

#### **Section 611 B - Cleanout Repair/Replacement**

If, in the judgement of the Sewer Administrator, it is determined that a building lateral, without a property line clean-out, needs repair or replacement, the NCSD may install a clean-out at the property line, at the property owner's expense, such that the street lateral can be maintained independently of the building lateral.

#### **Section 611 C - Street Lateral Replacement; Ownership**

Any existing street lateral which, upon examination by the Sewer Administrator, is determined to be in need of replacement will be replaced with a new street lateral with a property line clean-out. The replacement street lateral shall be constructed by a licensed plumber. The cost of constructing the replacement street lateral and clean-out shall be at the property owner's expense. Once the replacement street lateral and clean-out have been constructed and approved by the Sewer Administrator, the new street lateral shall become the property of the NCSD. Any repairs to new street laterals shall be made by the NCSD at the NCSD's expense.

#### **Section 612 - Testing**

The street lateral, building lateral, or the combined lateral shall be tested for infiltration/exfiltration by:

- (a) any full pipe method described in Section 505, or
- (b) by a suitable joint method, with the prior written approval of the Town of Johnsburg or designated representative.

#### **Section 613 A - Connection Inspection**

The applicant for the building lateral permit shall notify the Town of Johnsburg or designated representative when the building lateral is ready for inspection and connection is to be made to the street lateral. The connection shall be made under the supervision of the Sewer Administrator.

The applicant for the street lateral permit shall notify the Town of Johnsburg or designated representative when the street lateral is ready for inspection and connection is to be made to the main sewer. The connection shall be made under the supervision of the Sewer Administrator.

#### **Section 613 B - Trench Inspections**

When trenches are excavated for the laying of building lateral pipes or for laying of street lateral pipes, such trenches shall be inspected by the Sewer Administrator. Before the trenches are backfilled, the person performing such work shall notify the Sewer Administrator when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the Town of Johnsburg Board.

#### **Section 614 - Public Safety Provisions Required; Restoration of Disturbed Areas**

All excavations for constructing building laterals shall be adequately protected with barricades and lights 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 of Johnsburg or designated representative. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. Shortly thereafter the Town, county or state shall complete road and shoulder restoration to the Town, County or State Standards. The cost for such final road and shoulder restoration shall be included with the fees paid with the application for the permit required in Section 602.

#### **Section 615 - Interior Clean-Out**

An interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch with removable plug or test tee and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral.

The cleanout diameter shall be no less than the building lateral diameter.

### **Section 616 - Costs Borne by Owner**

All costs associated with the provisions of this Article shall be borne by the property owner unless specifically stated or agreed to be a cost borne by the NCSD. The property owner shall indemnify the Town of Johnsburg from any loss or damage that may be directly or indirectly occasioned by the installation of the building and street laterals, and connections and appurtenances.

## **Article 7 - Inflow**

### **Section 701 - New Inflow Sources Prohibited**

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

### **Section 702 - No connection of Inflow Source Allowed**

It shall be a willful violation of this Law for any person to connect any inflow source pursuant to this Article.

### **Section 703 - Fees for Inflow**

In the event an Inflow connection is found, Town of Johnsburg or designated representative is enabled to take whatever action is necessary to determine the amount of inflow including the requirement for installation of a control manhole. The property from which the inflow originated shall be billed for inflow according to Article 12, however, the Town may cause a surcharge at a rate not to exceed five (5) times that for normal sewage EDU Fee.

## **Article 8 - Trucked or Hauled Waste**

### **Section 801 - Trucked or Hauled Waste**

The discharge of trucked or hauled wastes into the NCSS and/or public sewers tributary thereto will not be allowed.

### **Section 802 - Restoration**

If it is determined that trucked or hauled waste from any source, including recreational vehicles (RVs), has entered the NCSS at any point, and if the point of entry can be determined by the Town of Johnsburg Board, the owner of said property where this waste entered the system will be charged a \$1,000 fine, plus the cost of any damage that occurs as a result of this discharge will be made by the NCSD. The owner of said property where the waste entered the system will bear the cost of any repairs that the NCSD may need to restore proper functioning of the NCSS.

## **Article 9 - Discharge Restrictions**

### **Section 901 - Pretreatment Standards**

All users of the NCSS within the NCSD will comply with all standards and requirements of THE ACT and standards and requirements promulgated pursuant to THE ACT, including but not limited to 40 CFR §§ 406 through 471.

### **Section 902 - General Prohibitions**

No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the NCSS. These general prohibitions apply to all such users of the NCSS whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State, or Local Pretreatment Standards or Requirements.

Without limiting the generality of the foregoing, a user may not contribute the following substances to the NCSS:

- (1) Any solids, liquids, 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 a fire or an explosion or be injurious, in any way, to the NCSS, or to the operation of the NCSS. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point

in the system) be more than 25% nor any single reading be more than 40% of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Town of Johnsbury, the State, or the USEPA has determined to be a fire hazard, or hazard to the NCSS.

2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (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, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0 or greater than 9.0.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the NCSS, or to exceed the limitation set forth in a Categorical Pretreatment Standard.

A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of THE ACT.

(5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.

6) Oils and grease - Any commercial, institutional, or industrial wastes containing fats, waxes, grease, or oils which become visible solids when the wastes are cooled to ten (10) degrees centigrade (50 degrees Fahrenheit); any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass through.

7) Any wastewater which will cause interference or pass through.

(8) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.

(9) Any solid, liquid, vapor, or gas having a temperature higher than 120 degrees F; however, such materials shall not cause the NCSS treatment plant influent temperature to be greater than 90 degrees F.

(10) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.

(11) Any wastewater containing any radioactive wastes except as approved by the Sewer Administrator, and in compliance with applicable State and Federal regulations.

(12) Any wastewater which causes a hazard to human life, or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.

(13) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21.

(14) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the NCSS in a quantity that may cause acute worker health and safety problems.

(15) Users of Zone 1 of the NCSS are prohibited from discharging raw sewage into the system and are required to pretreat an effluent to remove all solids with STEP tanks, with the appropriate filters and pumps.

(16) Users of Zone 2 as determined by the Town of Johnsbury or designated representative be prohibited from discharging raw sewage into the system and may be required to pretreat an effluent to remove all solids with STEP tanks, appropriate filters and pumps.

(17) Any intentional discharge of wastewater from firefighting liquids and foams.

(18) Any intentional discharge of products containing per and polyfluoroalkyl substances (PFAS). Many commercially available products containing PFAS are still on the market or shelves. PFAS may be in products such as carpets, wastewater from washing carpet or floors, floor wax, textiles, waterproofing agents, PTFE tape, plumbing tape, ski waxes, some foaming hand sanitizers and much more. Given PFAS is not always listed as an ingredient on product labels, users of NCSS are advised to contact Town of Johnsbury when in question on the potential for a product to contain PFAS.

### **Section 903 - Concentration Based Limitations**

No person shall discharge, directly or indirectly, into the NCSS, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit or as provided for in Section 904. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the NCSS ("end of pipe" concentrations). The Allowable Daily Average Effluent Concentration Limits for certain substances are provided in Appendix B. Concentration limits and prohibited substances defined in Appendix B or below, may be updated based upon on NYSDEC and EPA regulations which ever is more stringent.

(1) Except for chromium (hexavalent), all concentrations listed for metallic substances shall be as "total metal", which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.

(2) As determined on a composite sample taken from the User's daily discharge over a typical operational and/or production day.

(3) As determined on a grab sample taken from the User's discharge at any time during the daily operational and/or production period.

(4) Other substances which may be limited are:

alkanes, alkenes and alkynes; aliphatic and aromatic alcohols and acids; aliphatic and aromatic aldehydes and ketones; aliphatic and aromatic esters; aliphatic and aromatic halogenated compounds; aliphatic and aromatic nitro, cyano and amino compounds; antibiotics; benzene derivatives; chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the NCSS, produce toxic, flammable, or explosive compounds; pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides; phthalates; polyaromatic and polynuclear hydrocarbons; total toxic organics (TTO), as defined in 40 CFR 433.11; toxic organic compounds regulated by Federal Pretreatment Standards: unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group; and viable pathogenic organisms from industrial processes or hospital procedures.

### **Section 904 - Mass Discharge Based Limitations**

At no time shall the influent to the NCSS contain quantities in excess of those specified below:

**Sewer Use Law**

**Effective: June XX, 2026, Draft 28Apr2026**

## Allowable NCSS Influent Loading

Substance

Average Daily (pounds per day)

Aluminum; Antimony; Arsenic; Barium; Beryllium; Bismuth; Bromine; Cadmium; Chromium (hexavalent); Chromium (total); Cobalt; Copper; Cyanide (complex); Cyanide (free); Fluorides; Gold; Iron; Lead; Manganese; Mercury; Nickel; Phenols, (total); Selenium; Silver; Sulfide; Tin; Titanium; Vanadium; Zinc

The Sewer Administrator shall determine the total allowable influent load of each substance from significant industrial users. In determining the total load of each substance that significant industrial users shall be allowed to discharge, the Sewer Administrator shall consider:

- (1) the quantities of each substance that are uncontrollable because they occur naturally in wastewater,
- (2) the quantities of each substance that are anthropogenic but are nonetheless uncontrollable,
- (3) historical discharge trends,
- (4) past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance,
- (5) potential for growth in the NCSS service area,
- (6) potential for more restrictive regulatory requirements to be placed on the NCSS discharge or sludge disposal or sludge reuse method, and
- (7) treatability of the substance. The Sewer Administrator shall apply a minimum 15% safety factor to be protective of the NCSS.

To assure that the total loads so calculated, for each substance, are not violated, the Sewer Administrator shall issue permits to significant industrial users limiting discharge loads.

Permits issued in accordance with this section may allow for discharges in excess of limitations set forth under section 903.

All industrial users are subject to review and approval by the Town of Johnsburg Board and Sewer Administrator and may require a pretreatment system.

### Section 905 - Modification of Limitations

Limitations on wastewater strength or mass discharge contained in this Law may be supplemented with more stringent limitations when, in the opinion of the Town of Johnsburg Board or designated representative:

- (1) The limitations in this Law are not sufficient to protect the NCSS,
- (2) The limitations in this Law are not sufficient to enable the NCSS treatment plant to comply with applicable water quality standards or the effluent limitations specified in the NCSS's SPDES permit,
- (3) Municipal employees or the public will be endangered, or
- (4) Air pollution and/or groundwater pollution will be caused.

The limitations on wastewater strength or mass discharge shall be recalculated not less frequently than once every five (5) years. The results of these calculations shall be reported to the Johnsburg Town Board. This Law

Sewer Use Law

Effective: June XX, 2026, Draft 28Apr2026

shall then be amended appropriately. Any issued industrial wastewater discharge permits, which have limitations, based directly on any limitations, which were changed, shall be revised and amended, as appropriate.

#### **Section 906 - Access to User's Records**

The Town of Johnsborg Board or designated representative shall have the authority to copy any record related to wastewater discharges to the NCSS.

#### **Section 907 - Dilution**

Except where expressly authorized to do so by an applicable Pretreatment Standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard.

Dilution flow shall be considered to be inflow.

#### **Section 908 - Grease, Oil, and Sand Interceptors**

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Sewer Administrator, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by the Sewer Administrator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

#### **Section 909 - Solid Waste Grinders**

Solid waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the NCSS if there is a combined sewer overflow (CSO) on the sewer lines conveying the waste to the NCSS treatment plant.

#### **Section 910 - Rejection of Wastewater**

The Johnsborg Town Board may reject a User's wastewater, on recommendation of the Sewer Administrator, when it has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the NCSS and its processes, or on the receiving water, or which constitute a public nuisance or hazard. See Section 1016.

### **Article 10 - Pretreatment Requirements and Discharge Permits**

#### **Section 1001 A- Pretreatment requirements for Non-Industrial Users Zone 1**

Properties wishing to connect to the NCSS in Zone 1 as defined as properties west of NYS Route 28, encompassed by the sewer district will be required to install STEP tanks, filters and pumps that are compatible with the NCSS and or Mountain Sewer Company operating process. Zone 1 is designed to take liquid only waste and properties will be required to install adequate settling tanks with pumps and filters approved by the Sewer Administrator, by the owner, at the owner's expense, in order to connect to the forced main line in Zone 1. All Tanks and pumps shall be of type and capacity approved by the Sewer Administrator and shall be so located to be easily accessible for cleaning, maintenance, and inspection. Such pumps, filters, and tanks shall be inspected, cleaned, and repaired regularly, per manufacture specifications and as described below. Tanks and accumulated septage will need to be pumped by a licensed hauler of trucked and hauled wastes, at three year intervals or more frequently, as needed, as determined by the Sewer Administrator or less frequently if field measurement shows sludge level to be less than one-quarter of the liquid depth or within manufacturer specified safe operating levels for a STEP tank, by the owner, at the owner's expense. If the flow from any of the properties in Zone 1 exceeds 5 percent of the average daily flow of the NCSS, Flow Equalization will be required pursuant to Section 1006.

#### **Section 1001 B Pretreatment requirements for Non Industrial Users Zone 2**

Properties wishing to connect to the NCSS in Zone 2 as defined as properties east of NYS Route 28 encompassed by the sewer district will have no pretreatment requirements and can connect to the NCSS in means

and ways as described in this Law. Zone 2 is designed to accept raw sewage in a forced main that empties into tanks for settling. New development or subdivisions in Zone 2 may require pretreatment requirements, if by the determination of the Sewer Administrator, connection to the NCSS may have a deleterious effect on the NCSS and its processes, or on the receiving sewage, or which constitutes a public nuisance or hazard, pretreatment will be required. Pretreatment may include the installation of STEP tanks, filters, and pumps that are compatible with the NCSS operating process, or any other means as determined by the Sewer Administrator for safe functioning of the NCSS. Any pretreatment requirement, as determined by the Sewer Administrator, will need to be installed at the owner's expense and all tanks, filters and pumps shall be of type and capacity approved by the Sewer Administrator and shall be so located to be easily accessible for cleaning, maintenance, and inspection. Such pumps, filters, and tanks shall be inspected, cleaned, and repaired regularly. Tanks and accumulated septage will need to be pumped by a licensed hauler of trucked and hauled waste, at three year intervals or more frequently, as needed, as determined by the Sewer Administrator, or less frequently if field measurement shows sludge level to be less than one-quarter of the liquid depth or within manufacturer specified safe operating levels for a STEP tank, by the owner, at the owner's expense. If the flow from any of the properties in Zone 2 exceeds five (5) percent of the average daily flow of the NCSS, pretreatment and flow equalization may be required pursuant to Section 1006.

#### **Section 1002 A - Wastewater Discharges**

No Significant Industrial User shall discharge wastewater to the NCSS without having a valid Wastewater Discharge Permit, issued by the Town of Johnsbury. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Law. Violation of a permit term or condition is deemed a violation of this Law.

#### **Section 1002 B - Wastewater Discharge Permits Required for Significant Industrial Users**

All Significant Industrial Users proposing to connect to or to discharge to the NCSS shall obtain a Wastewater Discharge Permit before connecting to or discharging to the NCSS. Existing Significant industrial users shall make application for a Wastewater Discharge Permit within thirty (30) days after the effective date of this Law, and shall obtain such a permit within ninety (90) days after making application.

#### **Section 1003 A Wastewater Discharge Reports**

As a means of determining compliance with this Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each **Industrial** user shall be required to notify the Town of Johnsbury or designated representative of any new or existing discharges to the NCSS by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Wastewater Survey (IWS) form to the Town of Johnsbury or designated representative. The Town of Johnsbury or designated representative may require any user discharging wastewater into the NCSS to file wastewater discharge reports and to supplement such reports as the Town of Johnsbury or designated representative deems necessary. All information shall be furnished by the user in complete cooperation with the Town of Johnsbury or designated representative.

#### **Section 1003 B - Notification to Industrial Users**

The Town of Johnsbury or designated representative shall, from time to time, notify each industrial user of applicable Pretreatment Standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.

#### **Section 1003 C - Other Industrial Users**

The Town of Johnsbury may issue Wastewater Discharge Permits to other industrial users of the NCSS.

#### **Section 1003 D - Discharge Permits to Storm Sewers Not Authorized**

The Town of Johnsbury and the NCSS District does not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.

#### **Section 1004 A - Application for Wastewater Discharge Permits**

Industrial users required to obtain a Wastewater Discharge Permit shall complete and file with the Town of Johnsbury or designated representative an application in the form prescribed by the Town of Johnsbury and the NCSD, the application shall be accompanied by a fee, as set forth in Section 1203. In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

**Sewer Use Law**

Effective: June XX, 2026, Draft 28Apr2026

(1) Name, address, and location (if different from the address). (2) SIC code of both the industry and any categorical processes. (3) Wastewater constituents and characteristics including but not limited to those mentioned in Article 10 of this Law and which are limited in the appropriate Categorical Standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with Standard Methods. (4) Time and duration of the discharge. (5) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any. (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances. (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the NCSS. (8) Each product produced by type, amount, process or processes, and rate of production. (9) Type and volume amount of raw materials processed (average and maximum per day). (10) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system. (11) The nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable Standards. (12) If additional pretreatment and/or O&M will be required to meet the Standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation). (b) No increment referred to in (a) above shall exceed 9 months, nor shall the total compliance period exceed 18 months. (c) No later than 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Town of Johnsburg or designated representative including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than 9 months elapse between such progress reports to the Town of Johnsburg or designated representative. (13) Any other information as may be deemed by the Town of Johnsburg or designated representative to be necessary to evaluate the permit application.

The Town of Johnsburg or designated representative will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the NCSD may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

#### **Section 1004 B - Permit Modifications**

Wastewater Discharge Permits may be modified by the Town of Johnsburg or designated representative, upon 30 days notice to the permittee, for just cause. Just cause shall include, but not be limited to:

(1) Promulgation of an applicable National Categorical Pretreatment Standard, (2) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13, (3) Changes in general discharge prohibitions and local limits as per Section 903 of this law, (4) Changes in processes used by the permittee, or changes in discharge volume or character, (5) Changes in design or capability of any part of the NCSS, (6) Discovery that the permitted discharge causes or contributes to pass through or interference, and (7) Changes in the nature and character of the sewage in the NCSS as a result of other permitted discharges.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 1004 A (12)(a).

#### **Section 1004 C - Permit Conditions**

Wastewater Discharge Permits shall be expressly subject to all the provisions of this Law, and all other applicable regulations, user fees established by the Town of Johnsburg and the NCSD. Permits may contain the following:

(1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization. (2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits. (3) The unit fee or schedule of user fees for the management of the wastewater discharged to the NCSS. (4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities. (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules. (6) Compliance schedules (7) Requirements for submission of technical reports or discharge reports. (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the NCSD, and affording the Sewer Administrator access thereto. (9) Requirements for notification of the NCSD of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the NCSS. (10) Requirements for the notification of the NCSD of any change in the manufacturing and/or pretreatment process used by the permittee. (11) Requirements for notification of excessive, accidental, or slug discharges. (12) Other conditions as deemed appropriate by the NCSD to ensure compliance with this Law, and State and Federal laws, rules, and regulations.

#### **Section 1004 D - Permit Duration**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years.

#### **Section 1004 E - Permit Reissuance**

The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Town of Johnsburg, during the term of the permit, as limitations or requirements, as identified in Section 1004 B, or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Section 1004 A (12)(a).

#### **Section 1004 F - Permit Transfer**

Wastewater Discharge Permits are issued to a specific User for a specific operation, or discharge at a specific location. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new User, different premises, or a new or changed operation.

#### **Section 1004 G - Permit Revocation**

Wastewater Discharge Permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Town of Johnsburg timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay userfees, and failure to meet compliance schedules.

#### **Section 1004 H - Public Notification**

The NCSD will publish in the Town of Johnsburg's official daily newspaper(s), informal notice of intent to issue a Wastewater Discharge Permit, at least 14 days prior to issuance.

#### **Section 1005 - Reporting Requirements for Permittee**

The reports or documents required to be submitted or maintained under this section shall be subject to:

(a) The provisions of 18 USC Section 1001 relating to fraud and false statements; (b) The provisions of Sections 309(c)(4) of THE ACT, as amended, governing false statements, representation, or certification; and (c) The provisions of Section (c)(6) of THE ACT, as amended, regarding corporate officers.

##### **1) Baseline Monitoring Report**

Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a User subject to that standard shall submit, to the Town of Johnsburg, the information required by paragraphs (8) and (9) of Section 1004 A.

##### **(2) 90-Day Compliance Report**

Within 90 days following the date for final compliance with applicable Pretreatment Standards, or, in the case of a New Source, following commencement of the introduction of wastewater into the NCSS, any User subject to Pretreatment Standards and Requirements shall submit, to the Town of Johnsburg, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

### (3) Periodic Compliance Reports

a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the NCSS, shall submit to the Town of Johnsburg or designated representative, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Town of Johnsburg or designated representative, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Section 1004 A. At the discretion of the Town of Johnsburg or designated representative, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Town of Johnsburg or designated representative may agree to alter the months during which the above reports are to be submitted, however, no fewer than two reports shall be submitted per year.

(b) The Town of Johnsburg or designated representative may impose mass limitations on Users, which are using dilution to meet applicable Pretreatment Standards or Requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 1005 (3) (a) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Town of Johnsburg or designated representative, of pollutants contained therein, which are limited by the applicable Pretreatment Standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

### (4) Violation Report

If sampling, performed by the user, indicates a violation of this Law and/or the User's discharge permit, the User shall notify the Town of Johnsburg within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town of Johnsburg within 30 days after becoming aware of the violation. The User is not required to re-sample if the NCSD performs monitoring of the User's discharge at least once a month for the parameter which was violated, or if the NCSD performs sampling, for the parameter which was violated, between the User's initial sampling and when the User receives the results of this sampling.

### (5) Other reports

The Town of Johnsburg may impose reporting requirements equivalent to the requirements imposed by Section 1005(3) for users not subject to pretreatment standards.

## **Section 1006 - Flow Equalization**

No person shall cause the discharge of slugs to the NCSS. Each person discharging, into the NCSS, greater than five percent (5%) of the average daily flow in the NCSS, shall install and maintain, on their property and at their expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Town of Johnsburg or designated representative. A wastewater discharge permit may be issued solely for flow equalization.

### **Section 1007 - Monitoring Stations (Control Manholes)**

(a) All Significant Industrial Users, and other Industrial Users whose industrial waste discharge has caused or may cause Interference or Pass-Through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

(b) If there is more than one street lateral serving an Industrial User, the Town of Johnsburg or designated representative may require the installation of a control manhole on each lateral.

(c) The Town of Johnsburg or designated representative may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly, and safely located, and the Industrial User shall allow immediate access, without prior notice, to the station by the Sewer Administrator, or his designated representative.

### **Section 1008 - Proper Design and Maintenance of Facilities and Monitoring Stations**

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense.

### **Section 1009 - Vandalism, Tampering with Measuring Devices**

No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause, or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- i - any structure, appurtenance, or equipment which is a part of the NCSS District, or
- ii - any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law except as approved by the Town of Johnsburg or designated representative.

### **Section 1010 - Sampling and Analysis**

Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.

All measurements, tests, and analyses of the characteristics of waters, and wastes required in any section of this Law shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 1007, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

### **Section 1011 - Accidental Discharges; SPCC Plan**

Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Law or of an Industrial Wastewater Discharge Permit. Users shall immediately notify the Town of Johnsburg of the discharge of wastes in violation of this Law or any Permit. Such discharges may result from:

- (1) Breakdown of pretreatment equipment
- (2) Accidents caused by mechanical failure, or negligence
- (3) Other causes.

Where possible, such immediate notification shall allow the Sewer Administrator to initiate appropriate countermeasure action at the NCSS. The user shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Sewer Administrator shall receive a copy of such

report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.

When required by the Sewer Administrator, detailed plans, and procedures to prevent accidental or slug discharges shall be submitted to the Town of Johnsburg or designated representative, for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the NCSS of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any National Prohibitive Discharge Standard;
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

### **Section 1012 - Posting Notices**

In order that the Industrial User's employees be informed of the NCSSD's requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the NCSS requirements and whom to call in case of an accidental discharge in violation of this Law.

### **Section 1013 - Sample Splitting**

When requested in advance by an industrial user, and when taking a sample of industrial wastewater, the NCSS representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols including any Quality Control (QC) procedures. One of the portions shall be given to the representative of the industrial user whose wastewater was sampled, and the other portion shall be retained by the NCSS for its own analysis.

### **Section 1014 - Public Access to Information Maintained by the Town of Johnsburg or Designated Representative**

When requested, the Town of Johnsburg or Sewer Administrator shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the Town of Johnsburg or designated representative, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

Confidential business information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this Law, or the SPDES Permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with State or Federal Laws, Rules and Regulations. The Town of Johnsburg shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

### **Section 1015 A - Access to Property and Records**

The Town of Johnsburg and other authorized representatives of the NCSS, representatives of USEPA, NYSDEC, NYSDOH, and/or Warren County Department of Health bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of Federal and State law governing use of the NCSS, and with the provisions of this Law. Inspections of residential

properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under this Law. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

#### **Section 1015 B - Access to Easements**

The Sewer Administrator, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Town of Johnsburg and/or NCSD holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the NCSS public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

#### **Section 1015 C - Liability of Property Owner**

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in Sections 1014 A and 1014 B, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

#### **Section 1016 - Special Agreements**

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the NCSD and any User of the NCSS whereby wastewater of unusual strength or character is accepted into the NCSS and specially treated, subject to any payments or user fees, as may be applicable. In entering into such a special agreement, the NCSS/Town of Johnsburg Board shall consider whether the wastewater will:

- (1) pass-through or cause interference
- (2) endanger the public municipal employees
- (3) cause violation of the SPDES Permit
- (4) interfere with any Purpose stated in Article 1
- (5) prevent equitable compensation to the NCSD for wastewater conveyance and treatment, and sludge management and disposal

No discharge which violates the Federal Pretreatment Standards will be allowed under the terms of such special agreements.

No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the NCSS for treatment and disposal.

### **Article 11 - Enforcement and Penalties**

#### **Administrative Remedies Section**

##### **Section 1101 - Notification of Violation**

Whenever the Town of Johnsburg Board or designated representative finds that any User has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Sewer Administrator may serve upon such person a written notice stating the nature of the violation. Within ten (10) calendar days of the date the Sewer Administrator mails the notice, an explanation of

the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Sewer Administrator, by the User. The correction and prevention plan shall include specific actions and subject to a penalty of not more than \$1,000 per day or to imprisonment for a term not exceeding thirty (30) days or both. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation.

### **Section 1102 - Consent Orders**

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

### **Section 1103 - Administrative or Compliance Orders**

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

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

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order, or
- (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

### **Section 1104 - Administrative Fines**

Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount of \$1,000 per day per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

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

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the fine, or
- (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

### **Section 1105 - Cease and Desist Orders**

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

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

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

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order,
- (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

#### **Section 1106 - Termination of Permit**

Any User who violates the following conditions of this Law or a wastewater discharge permit or administrative order, or any applicable or State and Federal law, is subject to permit termination: (1) Violation of permit conditions or conditions of an administrative order, (2) Failure to accurately report the wastewater constituents and characteristics of its discharge, (3) Failure to report significant changes in operations or wastewater constituents and characteristics, (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling, or (5) Failure to pay administrative fines, fees. Non-compliant industrial Users will be notified, by registered mail, of the proposed termination of their wastewater permit. The User may, within fifteen (15) calendar days of the date the Town of Johnsburg Board mails such notification, petition the Town of Johnsburg Board to permit continued use of the NCSS by the user. Such petition shall be in written form and shall be transmitted to the Town of Johnsburg Board by registered mail. The Town of Johnsburg Board shall then: (1) Reject any frivolous petitions, (2) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

#### **Section 1107 - Water Supply Severance**

Whenever a User has violated or continues to violate the provisions of this Law or an order or permit issued here under, water service to the User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply. The User may, within fifteen (15) calendar days of severance, petition the Town of Johnsburg Board to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Town of Johnsburg Board by registered mail. The Town of Johnsburg Board shall then: 1) Reject any frivolous petitions, (2) Reconnect the water supply, or (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

#### **Section 1108 - Show Cause Hearing**

The Town of Johnsburg Board may order any User appealing administrative remedies for violations of this Law to show cause, before the NCSS District and or the Town of Johnsburg Board, why an enforcement action, initiated by the Town of Johnsburg Board, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the NCSS/Johnsburg Board regarding the violation, the reasons why NCSS/Town of Johnsburg Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with Section 1111 of this Article. Service shall be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with Section 1111. The NCSS/Town of Johnsburg Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the NCSS District to conduct the hearing: (1) Issue, in the name of the NCSS/Town of Johnsburg Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings, (2) Take the evidence, (3) Take sworn testimony, (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the NCSS/Town of Johnsburg Board for action thereon. After the NCSS/Town of Johnsburg Board has reviewed the evidence and testimony, it may order the user to comply with the Town of Johnsburg Board 's order or fine, modify the Town of Johnsburg Board 's order or fine, or vacate the Town of Johnsburg Board 's order or fine.

#### **Section 1109 - Failure of User to Petition the Town of Johnsburg**

In the event the Town of Johnsburg Board issues any administrative order, terminates the User's permit, or makes any fine as set forth in this article, and the User fails, within the designated period of time set forth, to

**Sewer Use Law**

**Effective: June XX, 2026, Draft 28Apr2026**

petition the Town of Johnsburg Board, as provided in appropriate sections of this article, the User shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

### **Section 1110 - Notice**

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

### **Section 1111 - Right to Choose Multiple Remedies**

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

### **Judicial Remedies Section**

#### **Section 1113 - Civil Actions For Penalties**

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any administrative order or determination of the Town of Johnsburg Board promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Town of Johnsburg for a civil penalty not to exceed \$1,000 per day for each such violation, to be assessed after a hearing (unless the User waives the right to a hearing) held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town of Johnsburg at the request of the Town of Johnsburg Board in the name of the Town of Johnsburg, in any court of competent jurisdiction giving preference to courts local to the Town of Johnsburg. In addition to the above described penalty, the Town of Johnsburg Board may recover all damages incurred by the Town of Johnsburg and the NCSS District from any persons or Users who violate any provisions of this Law, or who fail to perform any duties imposed by this Law or any administrative order or determination of the Town of Johnsburg Board promulgated under this Law, or the terms of any permit issued hereunder. In addition to the above described damages, the Town of Johnsburg Board may recover all reasonable attorney's fees incurred by the Town of Johnsburg in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Town of Johnsburg Board may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

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

Such civil penalty may be released or compromised by the Town of Johnsburg Board before the matter has been referred to the Town of Johnsburg, and where such matter has been referred to the Town of Johnsburg, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town of Johnsburg, with the consent and approval of the Town of Johnsburg Board.

#### **Section 1114 - Court Orders**

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

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

Any such court order shall be sought in an action brought by the Town of Johnsburg Board, in the name of the Town of Johnsburg and the NCSS District, in any court of competent jurisdiction giving precedence to courts local to the Town of Johnsburg.

The Town of Johnsburg Board shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining the amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

#### **Section 1115 - Criminal Penalties**

Any person who willfully violates any provision of this Law or any final determination or administrative order of the Town of Johnsburg Board made in accordance with this Article shall be guilty of a Class A Misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$1,000 per day, or imprisonment not to exceed thirty (30) days or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more \$1,000 per day per violation per day or imprisonment for not more than thirty (30) days or both.

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

#### **Section 1116 - Additional Injunctive Relief**

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

#### **Section 1117 - Summary Abatement**

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

The Town of Johnsburg Board, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW or the environment.

## Miscellaneous

### Section 1118 - Delinquent Payments

If there shall be any payments which are due to the Town of Johnsborg Board or NCSD, or any Department thereof, pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of thirty (30) calendar days from the date of billing by the NCSD, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to five percent (5%) of the original bill. All sewer bills, fees and other charges for service within NCSD or outside the NCSD, not paid before November 1 of the year billed, will be re-levied on the Town of Johnsborg Tax Roll.

In the event that there are any sewer taxes, assessments, or other service charges and fee which shall have been delinquent for a period of at least sixty (60) calendar days as of December 15 of any year, the Town of Johnsborg Board shall report the names of the defaulting persons to the Town of Johnsborg Supervisor, the Town of Johnsborg Clerk, the Town of Johnsborg Assessor, and the Town of Johnsborg Bookkeeper on or before December 15 of the same year. The Town Supervisor shall transmit such report to the Board of Supervisors which shall levy such sums against the property liable.

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

### Section 1119 - Performance Bonds

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

### Section 1120 - Liability Insurance

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

### Section 1121 - Public Notification

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

## Article 12 – Fees

### Section 1201 – Sewer Hook-up Fee

The estimated cost to users for connecting laterals to the Sewer District will vary. For the initial sewer start-up, hook-up cost will be covered by the district as part of the formation, construction, and original hook-up, assuming an easement is granted for access. The Town of Johnsborg does not intend to own, operate, and maintain the laterals. Once the construction of the project is completed, the property owner will own, operate, and maintain the laterals. The cost for each lateral assumes laterals up to the buildings. This does not include re-plumbing of existing sewer (in-house) and does not include work to bring any existing plumbing to code, if needed. This also does not include decommissioning existing septic systems. For installation and maintenance of equipment under warranty, easements shall be required.

**Section 1202 – Normal Sewage Service Fees and Equivalent Dwelling Units**

All persons discharging or depositing wastes into the public sewers shall pay a sewer service fee based off an EDU for the property.

**Section 1202 A - Normal Sewage Service Fees**

For properties within the sewer district that do not hook up to the NCSS district and continue to operate private septic systems the NCSS district will be charged a fee for capital, interest and debt service expenses, based on the EDU's of the property pursuant to the EDU classification in Section 1202 B, but will not include operating and maintenance (O&M) costs.

For properties within the sewer district that hook up to the NCSS, and are discharging normal sewage, fee will be based on the EDU's of the property pursuant to the EDU classification in Section 1202 B, but will include operating and maintenance (O&M) costs, and capital, interest and debt service expenses.

EDU User Fee will be based on "Schedule of Fees for Sewer Rents North Creek Sewer District Town of Johnsburg."

**Section 1202 B - Equivalent Dwelling Unit Classification**

The classification of units shall meet the benefits and quantities of usage of the sewage works assigned to different classifications of real property in the TOJ. The basis of the fee for sewer capital and O&M to be paid by the owners of real property served or required to be served shall be determined from the Equivalent Dwelling Unit Classification table below where 1 EDU is equivalent to 170 GPD as required by U.S. Department of Agriculture (USDA). If any property has a habitable structure, regardless of calculation the minimum EDU will be 0.4.

**Equivalent Dwelling Unit Classification**

Classification	Number of EDU Units
Single-family residence	1 per residence
Multiple residences (apartments)	0.71 per bedroom
Mobile home	0.71 per bedroom
Nursing home and hospital	1 per bed (in place of flow meter data)
Motel-hotel unit	0.67 per bedroom
Restaurant	
With on-site cooking facilities	0.2 per seat
Preparation only	0.06 per seat
General commercial	0.1 per employee
Service Station/Convenience Store	2.4 per toilet
Shopping Center/Grocery Store	0.0006 per square ft
Lounge/Bar	0.12 per seat
Barber Shop/Beauty Salon	1.2 with sink, 0.3 w/o sink per seat
School	1 for the first 15 pupils and staff, plus 1/15 for each additional pupil and staff
Religious and fraternal	0.02 per seat

Classification	Number of EDU Units
Vacant residential building lot	0.33 per lot
Vacant commercial building lot	0.33 per lot
Library/Museum	0.03 per patron
Kennel	0.3 per run/cage
Offices	0.1 per employee
Dentist	1.5 per chair
Day Care	0.12 per child

### **Section 1203 – Surcharge for Abnormal Sewage**

All persons discharging or depositing wastes in the NCSS with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge.

### **Section 1204 – Total Abnormal Sewer Service Surcharge**

The total abnormal sewer service surcharge, (which shall be called the "Abnormal User Surcharge"), is comprised of an additional fee on top of the fees calculated in Section 1202 A for Normal Sewage fees.

The additional Abnormal User Surcharge, UC(an), is calculated as per Appendix C.

### **Section 1205 – Capital, Interest, and Debt Service Fee**

Capital, interest and debt services expense fees will be based on total EDUs and recalculated as needed per "Schedule of Fees for Sewer Rents North Creek Sewer District Town of Johnsburg."

### **Section 1206 – Segmenting the NCSS**

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

### **Section 1207 – Billing Period**

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

Sewer bills shall be due and payable on the first day of April and October of each year, at the office of the collector of sewer bills.

### **Section 1208 – Pretreatment Program Costs**

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

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

### **Section 1209 - Measurement of Flow**

The volume of flow to be used in computing normal sewer service fees shall be based upon EDUs pursuant the EDU classifications in Section 1202 B. Any person discharging wastes into the NCSS may install a flow measuring device at his option, of the type, design, installation, and maintenance standards at the owner's expense. Metered flow shall not be used to replace EDU based calculations, except until a later date, if and when water meters are installed at all buildings, structures or business discharging to the NCSS. Additionally, a change from EDU to metered flow based user fees shall only occur when fees can be appropriately and fairly proportioned between NCSS users using flow meters and approved by the Johnsborg Town Board and satisfy the requirements of this Law, the NYSDEC and Federal government.

### **Section 1210 - Capital Recovery**

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

### **Section 1211 – Collection of Fees**

Provisions of Article 11 of this Law relating to the collection of penalties shall apply to the collection of Sewer Service Fees and Abnormal Sewage Service Surcharges, unless where otherwise provided by application of the Sewer Rents by NCSD.

### **Section 1212 – Fiscal Year for System**

The NCSS shall be operated on the basis of a fiscal year commencing on the first day of January and ending on the thirty-first day of December.

### **Section 1213 – Impact Fees**

The NCSS District and/or the Town of Johnsborg Board shall have the authority to impose impact fees on new development, which development may:

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

### **Section 1214 – Use of Revenue**

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

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

### **Section 1215 – Records and Accounts**

The NCSD shall maintain and keep proper books of records and accounts for the NCSS, separate from all other records and accounts, in which full and correct entries shall be made of all transactions relating to the NCSS. The Town of Johnsborg shall have an annual review of the sewer fee system to determine if it is adequate to meet expenditures for all programs for the coming year.

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

Town of Johnsborg employees will be trained to recognize and report security threats as required by federal and/or NYS laws.

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

### **Article 13 - Public disclosure of NCSS Operations**

#### **Section 1301- NCSS Operations Open to the Public**

It shall be the policy of the NCSS District to conduct all business with full disclosure to the public.

#### **Section 1302- Procedural Requirements Available**

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under this Law and for requesting a hearing shall be formulated by the NCSS District and be made available to any resident of the Town of Johnsborg upon request.

#### **Section 1303- Validity Through Public Inspection**

The NCSD shall formulate procedures to make available to the public for inspection such orders, statements of policy, and interpretations used by the NCSS District in administration of this Law. No rule, regulation, or civil order shall be valid until it has been available for public inspection.

### **Article 14 - Conflicts, Severability, Effective Date and Applicability**

#### **Section 1401- Conflicts**

The provisions of any Town of Johnsborg law in conflict with any provision of this Law are hereby repealed.

#### **Section 1402- Severability**

Each provision of this Law is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Law which shall nonetheless remain in full force and effect.

#### **Section 1403- Effective Date**

This law shall take effect 30 days after its filing in the office of the Secretary of State.

#### **Section 1404- Applicability**

Articles 1, 2, 4, 8, 11, 12, 13 and 14 shall apply in all incorporated areas of the Town of Johnsborg. Articles 3, 5, 6, 7, 9 and 10 shall apply only in incorporated areas of the Town of Johnsborg which are also within the service area of the NCSS.

## Appendices

### Appendix A – Substances of Concern

Substances of concern are that are incompatible with the wastewater treatment system or are considered hazardous substances and/or hazardous wastes as defined by United States Environmental Protection Agency (USEPA) under 40 Code of Federal Regulations (CFR) part 302.4 or New York State Department of Environmental Protection (NYSDEC) and can include the substances of concern below but may be subject to change with USEPA and NYSDEC regulatory updates.

Class A - Halogenated Hydrocarbons

Class B - Halogenated Organics (Other than Hydrocarbons)

Class C - Pesticides (Includes Herbicides, Algaecides, Biocides, Slimicides and Mildewcides) Class D - Aromatic Hydrocarbons Class E - Tars Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogenated) Class G - Miscellaneous Class M - Metals and their Compounds

Class A - Halogenated Hydrocarbons A01. Methyl Chloride A02. Methylene Chloride A03. Chloroform

A04. Carbon Tetrachloride A05. Freon/Genetron A06. Other Halomethanes A07. 1,1,1-Trichloroethane A08. Other Haloethanes A09. Vinyl Fluoride A10. Vinyl Chloride A11. Dichloroethylene A12. Trichloroethylene A13. Tetrachloroethylene A14. Chlorinated Propane A15. Chlorinated Propene A16. Hexachlorobutadiene A17. Hexachlorocyclopentadiene A18. Chlorinated Benzene A19. Chlorinated Toluene A20. Fluorinated Toluene A21. Polychlorinated Biphenyl (PCB) A22. Chlorinated Naphthalene A23. Dechlorane (C<sub>10</sub>Cl<sub>12</sub>) A24. Hexachlorocyclohexane (BHC)

A99. Halogenated Hydrocarbons Not Specified Above

Class B - Halogenated Organics (Other than Hydrocarbons) B01. Phosgene B02. Methyl Chloromethyl Ether B03. Bis-Chloromethyl Ether B04. Other Chloroalkyl Ethers B05. Benzoyl Chloride B06. Chlorothymol B07. Chlorinated Phenol B08. Chlorinated Cresols or Xylenols B09. Chlorendic Acid B10. Chloroaryl Ethers B11. Dichlorophene or Hexachlorophene B12. Chlorinated Aniline (Including Methylene Bis)(2-Chloroaniline) B13. Dichlorobenzidine B14. Chlorinated Diphenyl Oxide B15. Chlorinated Toluidine B16. Kepone (C<sub>10</sub>Cl<sub>100</sub>) B17. Dichlorovinyl Sulfonyl Pyridine B18. Chloropicrin B19. Trichloromethyl Thio-Phthalimide B20. Trichloro-Propyl-sulfonyl Pyridine B21. Tetrachloro-Methysulfonyl Pyridine B22. Tetrachloro-Isophthalonitrile

B99. Halogenated Organics Not Specified Above

Class C - Pesticides (Includes Herbicides, Algaecides, Biocides, Slimicides and Mildewcides) C01. Aldrin/Dieldrin C02. Chlordane and Metabolites C03. DDT and Metabolites C04. Endosulfan/Thiodan and Metabolites C05. Endrin and Metabolites C06. Heptachlor and Metabolites C07. Malathion C08. Methoxychlor C09. Parathion C10. Toxaphene C11. Sevin C12. Kelthane C13. Diazinon C14. Dithane C15. Carbaryl C16. Silvex C17. Dithiocarbamates C18. Maneb C19. Dioxathion C20. Tandex/Karbutilate C21. Carbofurans C22. Pentac C23. Folpet C24. Dichlone C25. Rotenone C26. Lindane/Isotox C27. Simazine C28. Methoprene

C99. Pesticides Not Specified Above

Class D - Aromatic Hydrocarbons D01. Benzene D02. Toluene D03. Xylene D04. Biphenyl D05. Naphthalene D06. Ethylbenzene D07. Styrene D08. Acenaphthene D09. Fluoranthene

D99. Aromatic Hydrocarbons Not Specified Above

Sewer Use Law

Effective: June XX, 2026, Draft 28Apr2026

Class E - Tars E01. Coal Tar E02. Petroleum Tar

E99. Tars Not Specified Above

Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogenated) F01. Phenol, Cresol or Xylenol F02. Catechol, Resorcinol, or Hydroquinone F03. Nitrophenols F04. Nitrobenzenes F05. Nitrotoluenes F06. Aniline F07. Toluidines F08. Nitroanilines F09. Nitroanisole F10. Toluene Diisocyanate F11. Dimethylaminoazobenzene F12. Benzoic Acid (and Benzoate Salts) F13. Phthalic, Isophthalic or Terephthalic Acid F14. Phthalic Anhydride F15. Phthalate Esters F16. Phenoxyacetic Acid F17. Phenylphenols F18. Nitrobiphenyls F19. Aminobiphenyls (Including Benzidine) F20. Diphenylhydrazine F21. Naphthylamines F22. Carbazole F23. Acetylaminofluorene F24. Dyes and Organic Pigments F25. Pyridine

F99. Substituted Aromatics Not Specified Above

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

Class M - Metals and Their Compounds M01. Antimony M02. Arsenic M03. Beryllium M04. Cadmium M05. Chromium M06. Copper M07. Lead M08. Mercury M09. Nickel M10. Selenium M11. Silver M12. Thallium M13. Zinc

M99. Metals Not Specified Above

Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) and their salts.

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## Appendix B – Effluent Concentration Limits

No person or connected entity shall discharge directly or indirectly into the POTW wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or instantaneous basis unless otherwise granted in a special agreement or industrial permit with the Town of Johnsbury. Concentration limits are applicable to wastewater effluents at a point just prior to discharge into the NCSS.

Substance*, ***	Allowable Daily Average Effluent Concentration Limit** (mg/l)
Ammonia	20.00
Arsenic	1.0
Barium	2.0
Benzene	0.05
Beryllium	0.15
Bromine	1.0
Cadmium	1.0
Chlorine	0.2 (as total chlorine)
Chlorobenzene	0.01
Chloroform	0.1
Chromium (hexavalent)	1.0
Chromium (total)	2.0
Copper	5.0
Cyanide (complex)	0.5
Cyanide (free)	0.5
Fluorides	10.0
Gold	0.5
Iodine	2.0
Iron	10.0
Lead	0.5
Manganese	1.0
Mercury	0.25
Nickel	2.0
pH	6.0 to 9.0 (standard units)
Phenol	0.1
Phosphorous	8.0
Selenium	1.0
Silver	1.0
Sulfides	3.0
Trichloroethane	0.05
Zinc	10.0

NOTES:

\* All concentrations listed for metallic substances shall be as "total metal," which shall be defined as the value measured in a sample acidified to a pH value of less than two without prior filtration.

\*\* As determined by a composite sample taken of the user's daily discharge over the operational and/or production period

\*\*\* Effluent Concentration Limits may be subject to change as USEPA or NYSDEC add substances,

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## Appendix C – Abnormal Surcharge Under Section 1204

UC(an) = User surcharge associated with abnormal sewage

User surcharge for NCSD abnormal (e.g. industrial or other abnormal discharge operation and maintenance)

$$UC(an) = OM \{ [OB/100 \times (BIA-Bn)/BA] + [OS/100 \times (SIA-Sn)/SA] + [OP/100 \times (PIA-Pn)/PA] + [ONH/100 \times (NHIA-NHn)/NHA] + [OTK/100 \times (TKIA-TKn)/TKA] \}$$

Where:

OM = total annual POTW operation and maintenance costs

OQ = percentage of OM attributable to flow (Q)

OB = percentage of OM attributable to BOD5

OS = percentage of OM attributable to suspended solids

OP = percentage of OM attributable to total phosphorus

ONH = percentage of OM attributable to ammonia

OTK = percentage of OM attributable to total Kjeldahl nitrogen

QIA = average daily flow rate (MGD) from discharger

BIA = average daily BOD5 loading (LB/DAY) from discharger

SIA = average daily suspended solids loading (LB/DAY) from discharger

PIA = average daily total phosphorus loading (LB/DAY) from discharger

NHIA = average daily ammonia loading (LB N/DAY) from discharger

TKIA = average daily total Kjeldahl nitrogen loading (LB N/DAY) from discharger

QA = average daily flow rate (MGD) at the POTW treatment plant

BA = average daily BOD5 loading (LB/DAY) at the POTW treatment plant

SA = average daily suspended solids loading (LB/DAY) at the POTW treatment plant

PA = average daily total phosphorus loading (LB/DAY) at the POTW treatment plant

NHA = average daily total ammonia loading (LB N/DAY) at the POTW treatment plant

TKA = average daily total Kjeldahl nitrogen loading (LB N/DAY) at the POTW treatment plant

Bn = BOD5 loading (LB/DAY) in discharge if it were normal sewage

Sn=suspended solids loading (LB/DAY) in discharge if it were normal sewage

Sewer Use Law

Effective: June XX, 2026, Draft 28Apr2026

$P_n$  = total phosphorus loading (LB/DAY) in discharge if it were normal sewage

$NH_n$  = ammonia loading (LB N/DAY) in discharge if it were normal sewage

$TK_n$  = total Kjeldahl nitrogen loading (LB N/DAY) in discharge if it were normal sewage.

Note: if any difference terms in the equation above is equal to a negative number, then that portion of the equation shall not be used, that is, the difference shall be set to zero when it is negative.

Notes: All averages are arithmetic averages determined from available data during the billing period.

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