

REVISED TARIFF

UNITED WATER SOUTH COUNTY SEWER INC.

TARIFF

RULES AND REGULATIONS FOR SEWAGE SERVICE

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**United Water South County Sewer Inc.
Rules and Regulations for Sewage Service**

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RULES AND REGULATIONS
United Water South County Sewer Inc.

ARTICLE 1 – AUTHORITY, SERVICE AREA, AND PURPOSE

1.1 Title: The Rules and Regulations of United Water South County Sewer Inc. shall be known as its Tariff.

1.2 Authority: The town boards of the Town of Tuxedo and the Town of Warwick pursuant to the provisions of the Transportation Corporations Law of the State of New York approved the formation of United Water South County Sewer Inc. and granted this utility the right to provide each town and their inhabitants with sewage disposal services. All of the matters in this Tariff affect rates and, therefore, the Tariff has been approved in accordance with the Transportation Corporations Law Section 121.

1.3 Service Area: The Towns of Tuxedo and Warwick, in the County of Orange, have authorized United Water South County Sewer Inc. to provide sewage disposal services to the each Town and the inhabitants thereof. United Water South County Sewer Inc. has five service areas. In the Town of Warwick, customers are served by the Blue Lake and the Sterling Lake wastewater treatment plants. In the Town of Tuxedo, customers are served by the Indian Kill, NYU Housing, and Sterling Gardens wastewater treatment plants.

1.4 Purpose:

1.4.1 The Tariff of United Water South County Sewer Inc. is to provide for efficient, economic, environmentally safe, and legal operation of the Sewage System and Sewage Treatment Plant owned and/or operated by United Water South County Sewer Inc. and provide the terms and conditions under which sewage service will be provided in the Service Area.

1.4.2 The rules and regulations and rates contained in this Tariff are intended to

- (a) assure the proper disposal of sewage and wastewater and the protection of the sewage treatment plant and the transport and collection system;
- (b) provide the funds needed for the operation and maintenance of the sewage treatment plant and the transport and collection system, a return on and of investment in the utility, and the financial stability of the utility;
- (c) assist in maintaining compliance with the rules and regulations, established by the New York State Department of Environmental Conservation (“NYSDEC”), for the protection of the health and safety of the people of the Towns of Tuxedo and Warwick;

- (d) to prevent the introduction of substances into the sewage treatment plant or the transport and collection system that would:
 - (i) – interfere with the sewage treatment plant or the transport and collection system in any way;
 - (ii) – pass through the sewage treatment plant or the transport and collection system to the state's waters and cause contravention of standards for those waters or cause violation SPDES permit that permits the sewage treatment plant or the transport and collection system to operate;
 - (iii) – increase the cost or otherwise hamper the disposal of sludge and/or residuals from the sewage treatment plant;
 - (iv) – endanger persons constructing, maintaining, repairing, or replacing the sewage treatment plant or the transport and collection system;
 - (v) – cause air pollution or groundwater pollution, directly or indirectly; or
 - (vi) – cause, directly or indirectly, any public nuisance condition;
- (e) to prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow;
- (f) to assure that new sewers and connections are properly constructed; and
- (g) to provide for equitable distribution to all users of the sewage treatment plant or the transport and collection system of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

ARTICLE 2 – DEFINITIONS

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

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

2.1.2 **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.

2.1.3 **American Society for Testing and Materials** - The latest edition of any ASTM specification, when stated in this Tariff.

2.1.4 **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.

2.1.5 **Applicant** - That person who makes application for any use of the sewage collection or treatment system. The applicant may be an owner, new or old, or his agent.

2.1.6 **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.

2.1.7 **Approved Laboratory Procedure** - The procedures defined as "Standard Methods" in this article, or other procedures approved by the Sewage Corp, for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters, and/or sludges.

2.1.8 **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.

2.1.9 **Biochemical Oxygen Demand ("BOD")** - 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.

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

2.1.11 **Building Drain** - That part of the lowest horizontal piping of a building drainage system that 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.

2.1.12 **Building Sewer** - The extension from the sewer drainage system of any structure to the sewer mains. The Building Sewer shall include the combination of the Sewer Stub and the Building Sewer Connection and is the full length of the pipe that extends from the building to the sewer main. See, also, Lateral, Building.

2.1.13 **Building Sewer Connection** - The pipe installed from the property line to the building to receive the sanitary sewage generated by a building or household. See, also, Lateral, Building.

2.1.14 **Chemical Oxygen Demand ("COD")** - 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.

2.1.15 **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.

2.1.16 **Clean Water Act** - see Act.

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

2.1.18 **Commercial** - Any room, group of rooms, building, or other enclosures used or intended for use in the operation of one or more business enterprises from which only Sanitary Sewage shall be discharged.

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

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

2.1.21 **Connection Charge (Tap Fee)** - The one time fee to offset the capital contribution and expenses incurred to construct the facilities to provide service to the premises and to process an application for a connection of a building/street lateral to the public sewer.

2.1.22 **Control Authority** - The term shall refer to "Approval Authority".

2.1.23 **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 TW.

2.1.24 **Conventional Pollutant** - A pollutant that the WWTP was designed to treat.

2.1.25 **Cooling Water** - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. If permitted to enter into the Sewerage System, 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 Tariff.

2.1.26 **County** - Orange County, State of New York.

2.1.27 **Customer** - Any partnership, firm, corporation, governmental subdivision, person, or agency receiving service to the premises and who has made application to receive such service from the Company in accordance with this tariff.

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

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

2.1.30 **Domestic Sewage** - See Sewage, Domestic.

2.1.31 **Domestic Wastes** - See Sewage, Domestic.

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

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

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

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

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

2.1.37 **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 official of this Agency.

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

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

2.1.40 **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. Wastewater shall be considered free of Floatable Oil if it is properly pretreated and the wastewater does not interfere with the collection system.

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

2.1.42 **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.

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

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

2.1.45 **Industrial** - Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution and is distinguished from domestic, residential and Commercial by the production of Industrial Wastes.

2.1.46 **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.

2.1.47 **Industrial User** - See User, Industrial.

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

2.1.49 **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.

2.1.50 **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.

2.1.51 **Interference** - A discharge which, alone or in conjunction with discharges by other sources, (a) inhibits or disrupts the WWTP, 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 Sewer Corp's 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 Sewer Corp in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

- (i) – Section 405 of the Clean Water 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 Substance Control Act, and
- (v) – Marine Protection Research and Sanctuaries Act.

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

2.1.53 **Lateral, Street** - The sewer extension from the public sewer to the property line. See, also, Sewer Stub.

2.1.54 **Medical Waste** - Any waste as defined in the New York State, Public Health Law, Section 1389, and means any waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in production and testing of biologicals, including but not limited to:

- (a) blood-soaked bandages;

- (b) culture dishes and other glassware;
- (c) discarded surgical gloves - after surgery;
- (d) discarded surgical instruments - scalpels;
- (e) needles - used to give shots or draw blood;
- (f) cultures, stocks, swabs used to inoculate cultures;
- (g) removed body organs - tonsils, appendices, limbs, etc., and
- (h) lancets.

However, medical waste shall not include any household waste permissible under the Public Health Law, Section 1389, and regulations of the New York State Department of Health and the New York State Department of Environmental Conservation promulgated under that section of the law.

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

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

2.1.57 National Prohibitive Discharge Standard, or Prohibitive Discharge Standard - Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5.

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

2.1.59 New Owner - That individual or entity who purchased property within the Service Area of the Sewage Corp after the effective date of this Tariff.

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

2.1.61 New User - A discharger to the Sewerage System who commences discharge after the effective date of this Tariff.

2.1.62 Notice - Actual notice or written notice mailed postage prepaid, first-class mail, to any person's last known address.

2.1.63 Normal Sewage - see Sewage, Normal.

2.1.64 Nuisance - The use or lack of use of the Sewerage System 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 Sewerage System.

2.1.65 **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.

2.1.66 **Old Owner** - That individual or entity who owns or owned a property, within the Service Area of the Sewage Corp, purchased prior to the effective date of this Tariff, 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.

2.1.67 **Owner** - Any Person vested with ownership, legal or equitable, sole or partial, or possession of any improved property that seeks, receives, or accepts sewer service in the service area of Sewage Corp.

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

2.1.69 **Pass Through** - The discharge that exits the WWTP 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 Sewage Corp's SPDES permit (including an increase in the magnitude or duration of a violation).

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

2.1.71 **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.

2.1.72 **pH** - The logarithm (base 10) of the reciprocal of the weight of hydrogenions, 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 acid conditions.

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

2.1.74 **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.

2.1.75 **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.

2.1.76 **Pretreatment (Treatment)** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a

WWTP. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, Section 403.6 (D).

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

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

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

2.1.80 Prohibitive Discharge Standard - see National Prohibitive Discharge Standard.

2.1.81 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.

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

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

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

2.1.85 Sanitary Sewage - See Sewage, Domestic.

2.1.86 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.

2.1.87 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.

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

2.1.89 **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.

2.1.90 **Sewage Corp** - United Water South County Sewer Inc., a New York State Transportation Corporation, and its successors and assigns.

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

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

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

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

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

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

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

- 2.1.96 **Sewer** - A pipe or conduit for carrying or transporting sewage.
- 2.1.97 **Sewer, Combined** - A sewer designed to receive and transport both surface runoff and sewage.
- 2.1.98 **Sewer, Public** - A sewer in which all abutting property owners have equal rights, and the use of which is controlled by the Sewage Corp.
- 2.1.99 **Sewer, Sanitary** - A sewer which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.
- 2.1.100 **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.
- 2.1.101 **Sewer Stub** - That portion of the Building Sewer that connects to the sewer main and extends to the property line and is available to receive a Building Sewer Connection. See, also, Lateral, Street.
- 2.1.102 **Sewerage System (also TW)** - All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the TW.
- 2.1.103 **Sewerage Surcharge** - The additional charge 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.)
- 2.1.104 **Significant Industrial User** - see User, Significant Industrial.
- 2.1.105 **Significant Non-Compliance (SNC)** - A User is in significant non-compliance if its violation(s) meet(s) one or more of the following criteria:
- (a) Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all of 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;
 - (b) 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);
 - (i) - Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Sewage Corp determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of UTW personnel or the general public);

- (ii) – Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Sewage Corp's exercise of its emergency authority under Article 11 of this Tariff;
- (iii) – 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;
- (iv) – 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;
- (v) – Failure to report accurately any non-compliance;
- (vi) – Any other violation which the Sewage Corp determines will adversely affect the implementation or operation of the local pretreatment program.

2.1.106 **SPDES** - The State Pollutant Discharge Elimination System permit issued by the NYSDEC pursuant to a New York State program that has been approved by the USEPA for the control of wastewater and storm-water discharges.

2.1.107 **Slug** - A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference. In any event, a discharge 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.

2.1.108 **Standard Industrial Classification (SIC)** - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions.

2.1.109 **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 Sewage Corp, whichever is the most conservative.

2.1.110 **State** - State of New York.

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

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

2.1.113 **Substances of Concern** - Those compounds that the NYSDEC has determined may be harmful to man or the environment.

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

2.1.115 **Suspended Solids** - 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 settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

2.1.116 **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.

2.1.117 **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.

2.1.118 **Town(s)** - The Town of Tuxedo and/or the Town of Warwick, each a municipality of the State of New York, in the County of Orange, acting by and through its Town Board. When used in the singular, the term applies individually to each Town as appropriate.

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

2.1.120 **Treatment Works ("TW")** - A treatment works, as defined by Section 212 of the Act, (33 U.S.C 1292), which is owned, in this instance, by Sewage Corp. This definition includes any sewers and appurtenances that transport wastewater to the Sewage Corp's treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

2.1.121 **Unpolluted Water** - Water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

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

2.1.123 **User, Existing** - A discharger to the Sewerage System who is discharging on or before the effective date of this Tariff.

2.1.124 **User, Industrial** - A discharger to the Sewerage System who discharges non-domestic wastewaters.

2.1.125 **User, New** - A discharger to the Sewerage System who initiates discharge after the effective date of this Tariff.

2.1.126 **User, Significant Industrial (SIU)** - An industrial user of the Sewerage System who is:

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

At the sole discretion of the Sewage Corp, a user discharging a measurable quantity of a pollutant may be classified as non-significant if, at the influent to the WWTP, the pollutant is not detectable.

2.1.127 **Volume Charge (User Charge)** - The demand sewer use charge which is based, in part or wholly, on the volume of normal sewage discharged into the Sewerage System (there may be surcharges, as provided for in Article 12). The volume charge shall be based on a specific cost per 100 cubic feet or per 1,000 gallons. The specific charge is set in this Tariff and subject to the approval by the Town Board.

2.1.128 **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 Sewerage System.

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

2.1.130 **Wastewater, Unusual Strength or Character** - see Sewage, Unusual Strength or Character.

2.1.131 **Waste Water Treatment Plant ("WWTP")** - That portion of the TW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

2.1.132 **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.

2.2 Abbreviations:

The following abbreviations shall have the designated meanings:

- 2.2.1 **ANSI** - American National Standards Institute
- 2.2.2 **ASTM** - American Society for Testing and Materials
- 2.2.3 **AWWA** - American Water Works Association
- 2.2.4 **BOD** - Biochemical Oxygen Demand
- 2.2.5 **CFR** - Code of Federal Regulations
- 2.2.6 **COD** - Chemical Oxygen Demand
- 2.2.7 **CWA** - Clean Water Act, see Act.
- 2.2.8 **EPA** - Environmental Protection Agency
- 2.2.9 **L** - Liter
- 2.2.10 **Mg** - Milligram
- 2.2.11 **Mg/l** - Milligrams per liter
- 2.2.12 **NCPI** - National Clay Pipe Institute
- 2.2.13 **NPDES** - National Pollutant Discharge Elimination System
- 2.2.14 **NYSDEC** - New York State Department of Environmental Conservation
- 2.2.15 **NYSDOH** - New York State Department of Health
- 2.2.16 **NYSDOT** - New York State Department of Transportation
- 2.2.17 **P** - Total Phosphorus
- 2.2.18 **PSI** - Pounds per Square Inch
- 2.2.19 **TW** - Utility Owned Treatment Works
- 2.2.20 **PPM** - Parts per Million, weight basis

- 2.2.21 **SIC** - Standard Industrial Classification
- 2.2.22 **SPDES** - State Pollutant Discharge Elimination System
- 2.2.23 **SWDA** - Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq.
- 2.2.24 **U.S.C.** - United State Code of Laws
- 2.2.25 **USEPA** - United State Environmental Protection Agency
- 2.2.26 **TSS** - Total Suspended Solids
- 2.2.27 **WWTP** - Waste Water Treatment Plant

2.3 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 SEWER SYSTEM

3.1 All Sanitary Sewage and Industrial Wastes from any building, after connection of such building to a Sewer, shall be subject to the limitations and restrictions established herein; otherwise established by the Town and Sewage Corp; and by applicable statute, ordinance, or regulation of a government entity with jurisdiction.

3.2 Any Person proposing a new discharge into the Sewer System or a substantial change in the volume or character of pollutants that are discharged into the Sewer System shall notify Sewage Corp at least 120 days prior to the proposed change or connection. Proposed new discharges from residential, industrial, or commercial sources, any new discharge exceeding 50 population equivalents (5,000 gpd), any new discharge of Industrial Waste, or any alteration in either flow or waste characteristics in the discharge of Industrial Waste must be approved in advance by Sewage Corp and all regulatory authorities with jurisdiction.

3.3 Every part of the Sewer System that is the responsibility of an Owner or Customer shall be maintained in a sanitary and safe operating condition by the Owner or Customer.

3.4 No Person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the Sewer System.

3.5 Sewage Corp undertakes to use reasonable care and diligence to provide service, but reserves the right, at any time, without notice if necessary to shut off the mains for the purpose of making repairs or extensions, or for other purposes. Sewage Corp will, whenever possible, provide advance notice to those customers whose service will be discontinued. It is expressly agreed that Sewage Corp will not be liable for a deficiency or failure of service for any cause

whatsoever, nor for any damage caused thereby, or by the bursting or breaking of any main or service pipe or any attachment to Sewage Corp's property, except damage resulting from gross negligence of Sewage Corp.

ARTICLE 4 – APPLICATIONS FOR SERVICE AND CONNECTIONS

4.1 Application for Service:

4.1.1 Each applicant or its agent shall apply in writing to Sewage Corp for service. An application fee of \$100.00 shall be paid to Sewage Corp at the time the application is filed. If the application is accepted, in addition, the applicant will pay an inspection fee comprised of the actual cost incurred by Sewage Corp to review the application and inspect the construction.

4.1.2 Connection Fee. Developers or builders who seek to obtain service for a building lot that has not had service from the Sewage Corp will pay a Connection Fee, in addition to the other fees contained herein, in the amount of \$5,000 per equivalent residential unit. Sewage Corp will pay this amount over to its stockholders. The Connection Fee may be waived or reduced at the discretion of the Sewage Corp.

4.1.3 The applicant shall provide in writing sufficient information to satisfy Sewage Corp that the proposed construction will be in compliance with this Tariff and that the connection of the new customer(s) will not cause the Sewer System to exceed any permit, effluent, or capacity limitations. The applicant shall specifically describe all wastes and the amount thereof to be discharged. The application for service shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of Sewage Corp.

4.1.4 Sewage Corp may require an applicant to provide information needed to determine compliance with this Tariff. These requirements may include:

- (a) Wastewater discharge peak rates and volume over a specified time period;
- (b) Chemical analyses of wastewaters as well as temperatures;
- (c) Information on raw materials, processes, and products affecting wastewater volume and quality;
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
- (e) A plot plan of Sewers on the Owner's property showing sewer and pretreatment facility location;
- (f) Details of wastewater pretreatment facilities; and
- (g) Details of systems to prevent and control the losses of materials through spills to the Sewer System.

4.1.5 If there is inadequate capacity in any sewer that would convey the wastewater or if there is insufficient capacity in the WWTP to treat the wastewater properly, the application may be denied or the applicant may offer to pay for any change in the facilities needed to serve its demands.

4.2 Applicant's Obligations

Each applicant in Sewage Corp's service area shall be obligated to pay all costs and expenses of operation, repair, and maintenance and of reconstruction (if needed) of the Building Sewer servicing the property.

4.3 Sewage Corp Shall Build and Have Title:

4.3.1 New connections for homeowners, commercial properties, developers, schools, industries, or any other use will be required to employ Sewage Corp or its appointed agent to construct such new connections.

4.3.2 The Owner of the building to be connected shall pay all costs and expenses for the construction of the facilities that will connect the Owner's premises to the connection point determined by Sewage Corp. Such costs shall include the cost of pumping facilities, the Building Sewer Connection, the Sewer Stub from the existing sewer main or newly constructed sewer main to the property line of each lot along the line, and all costs and expenses of construction of the remainder of the Building Sewer, including connection to the structures served. Such Owner shall indemnify and save harmless Sewage Corp and its employees, agents, and contractors from all loss or damage, including reasonable attorneys' fees, that may be incurred by Sewage Corp, directly or indirectly, as a result of construction of a Building Sewer Connection on the Owner's premises, Sewer Stub, or the connection to the Sewer System.

4.3.3 If the facilities to be constructed serve only one parcel, title to the facilities constructed will remain with the property served. If the facilities serve more than one parcel, the facilities may, with Sewage Corp's assent, be transferred to Sewage Corp, but under no circumstances may title remain with or be transferred to any entity other than Sewage Corp or a single entity owning all of the parcels served.

4.3.4 After the initial construction of the Building Sewer Connection, the Owner shall thereafter be obligated to pay all costs and expenses of operation, repair, and maintenance, and of reconstruction (if needed) of the facilities constructed beginning at Sewage Corp's designated connection point and ending at the building.

4.3.5 Title to all facilities used in Sewer System that extend beyond the Owner's property line or used to provide service to other than the Owner shall be granted to Sewer Corp at no cost to the Sewer Corp.

ARTICLE 5 – SPECIFICATIONS, MATERIALS, AND CONSTRUCTION

5.1 Specifications:

5.1.1 Except as otherwise provided in this paragraph, each building shall be connected separately and independently to a Sewer through a Building Sewer. Grouping of more than one building on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of Sewage Corp, in writing, shall have been secured and subject to such rules, regulations, and conditions as may be prescribed by Sewage Corp.

5.1.2 A Building Sewer shall be connected to Sewage Corp's collection system at the connection point designated by Sewage Corp.

5.1.3 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 Sewage Corp has approved plans showing the relocation.

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

5.1.5 Construction must meet the following requirements:

- (a) All connections, joints, manholes, and covers will be smooth, neat, and water tight.
- (b) All excavations shall provide for safe and sanitary disposal of water, not allowing it to enter the collection system.
- (c) All materials used shall be of good quality and satisfactory to Sewage Corp as well as meet all governmental codes and regulations for materials.
- (d) All Building Sewers shall be of sufficient size and type satisfactory to all regulatory agencies and Sewage Corp.
- (e) The slope from the building to the sewer main shall be satisfactory to all regulatory authorities and Sewage Corp. If the slope cannot be made satisfactory, then such other reasonable steps will be taken as required by Sewage Corp.
- (f) All work shall be done in strict conformity to the plans that will have been submitted to the Sewage Corp.

5.2 Lateral Pipe Materials:

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

- (a) 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.
- (b) 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.

5.2.2 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 pipe may be required by the Superintendent 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 Superintendent. 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 Superintendent. The size and slope of building and street laterals shall be subject to approval by the Superintendent, 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.

5.2.3 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.

5.3 Street Lateral to Sewer Main Connection:

5.3.1 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.

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

5.4 Laterals At and Near Buildings:

5.4.1 Building laterals laid parallel to a 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 building lateral be placed below the basement floor, except with the expressed written approval of the Superintendent.

5.4.2 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 cleanout which extends to grade, terminating in a terminal box set in concrete. In building laterals, said cleanouts shall be provided such that the maximum distance between cleanouts 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.

5.5 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. The installation is subject to the approval by Sewage Corp and the cost to operate and maintain the equipment used to perform this function shall be borne by the building owner.

5.6 Lateral Pipe Installation:

5.6.1 All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by the Superintendent. 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 no 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 Superintendent.

5.6.2 Every excavation for a Building Sewer and Sewer Stub shall be guarded adequately with barricades and lights to protect all persons from damage and injury, excepting only where the excavation presents no reasonable danger to either the neighbors or the public. Installation shall follow all rules and regulations of OSHA, New York State, and any other regulatory authority with jurisdiction.

5.7 Building Lateral/Street Lateral Connection:

5.7.1 The connection of the building lateral to an existing street lateral shall be made at the property line. 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.

5.7.2 The cost of constructing the street lateral from the existing public sewer to the property line shall be at the property owner's expense; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.

5.7.3 The property owner shall indemnify the Sewage Corp from any loss or damage that may directly or indirectly be occasioned by the installation of the building lateral.

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

5.7.5 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 Sewage Corp. After installation of the street lateral has been approved by the Sewage Corp, the new street lateral shall become the property of the Sewage Corp. Any subsequent repairs to the new street laterals shall be made by the Sewage Corp at the Sewage Corp's expense.

5.8 Inspections:

5.8.1 Connection Inspection:

- (a) The applicant for the building lateral permit shall notify the Sewage Corp 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 Sewage Corp.
- (b) If the Sewage Corp is not installing the new street lateral, the applicant for the installation of street lateral shall notify the Sewage Corp 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 Sewage Corp.

5.8.2 Trench Inspections:

- (a) 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 Sewage Corp. Before the trenches are backfilled, the person performing such work shall notify the Sewage Corp when the laying of the building lateral is

completed, and no backfilling of trenches shall begin until approval is obtained from the Sewage Corp.

- (b) **If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the building to be connected to a Sewer.**

5.9 Decommissioning of Prior Septic System

After a building has been connected to the Sewer System, the Owner shall promptly clean and fill the prior private septic system, if any, in a manner satisfactory to Sewage Corp and any regulatory authorities with jurisdiction.

5.10 Future Connection – As-Built Drawings:

5.10.1 An Applicant seeking service outside the Sewage Corp's existing service area, may request that Sewage Corp seek permission from the Town of Tuxedo to expand Sewage Corp's service area. Sewage Corp may, at its sole discretion to seek such approval or reject the application. Should Sewage Corp agree to seek such approval all cost associated with the Applicant's request, shall be paid by the Applicant.

5.10.2 A street lateral, including the wye and eighth bend fittings, shall be installed on all new sewer mains at the time of construction for each proposed lot for either immediate or future development.

5.10.3 Laterals installed for future connections shall be fitted a standard plug approved for use by the Sewage Corp. 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 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. Four (4) copies of this drawing, showing the as-built location of these connections, shall be furnished to the Sewage Corp. A refundable deposit shall be placed with Sewage Corp 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 Sewage Corp until four (4) copies of this record drawing have been so filed with the Sewage Corp and the Sewage Corp has approved the submitted drawings.

ARTICLE 6 – MAINTENANCE, REPLACEMENT, AND ABANDONMENT

6.1 Cleanout Repair/Replacement:

If, in the judgment of the Sewage Corp, it is determined that a building lateral, without a property line clean-out, needs repair or replacement, the Sewage Corp 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.

6.2 Street Lateral Replacement; Ownership:

Any existing street lateral, without a property line clean-out, that, upon examination by the Sewage Corp, 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 Sewage Corp, the new street lateral shall become the property of the Sewage Corp. Any repairs to new street laterals shall be made by the Sewage Corp at the Sewage Corp's expense.

6.3 Failure to Maintain or Remedy

If any Person shall fail or refuse to remedy any unsatisfactory condition with respect to a Building Sewer, within 45 days after notice from Sewage Corp (except that in the case of dire emergency this time period may be reduced as necessary to protect the health and safety of residents of the Town of Tuxedo), Sewage Corp may remedy any such unsatisfactory condition with respect to a Building Sewer or other facilities owned by an Owner, and the Owner of the property served, or to be served by the Building Sewer, shall reimburse Sewage Corp for the costs and expenses thereof upon demand by Sewage Corp.

6.4 Permission Required for Access to Sewer System

No Person shall uncover, connect with, or make any opening into or use, alter, or disturb in any manner any Sewer or any part of the Sewer System without first obtaining a permission from Sewage Corp and paying to Sewage Corp an application fee equal to the cost incurred by Sewage Corp to have appropriate professionals review said application and make specific recommendations to Sewage Corp as to the appropriateness of said proposed activity.

6.5 Notice of Excavation

Where the Owner, with respect to any actions allowed by a Sewage Corp, excavates within or otherwise disturbs public property, then the Owner shall give the Town of Tuxedo prior notice of the proposed action, shall obtain, at its own expense, all necessary permits, shall follow all directions of Sewage Corp, and shall promptly and safely, and at the Owner's own expense, complete the action and restore the public property in a manner satisfactory to the Town.

6.6 Owner Required to Seal Unused Connections

When a building is demolished and not immediately replaced, the Owner of the property, after having first notifying Sewage Corp, shall adequately seal off its Building Sewer where it connects to the sewer main.

ARTICLE 7 – AUTHORIZATION TO CHARGE AND COLLECT

7.1 Authorization for Charges

The charges for and collection of the expense of constructing and maintaining the Sewer System shall be governed by the provisions of this Tariff and any laws or regulations that may apply now or in the future such as the Transportation Corporations Law, the Code of the Town of Tuxedo, and the NYSDEC regulations. In conformance with this Tariff, the entire expense of construction and maintenance of the Sewer System shall be met by the rates and charges as herein provided.

7.2 Terms of Payment

7.2.1 Customers will be billed monthly or quarterly as determined by the Company. Bills will generally be rendered in arrears and are due and payable upon receipt.

7.2.2 Sewage Corp will assess a charge for processing all returned checks equal to the bank charge plus a handling fee of \$5.00 (not to exceed the maximum allowed by General Obligations Law §5-328).

7.2.3 Customer's payments will be applied first to the oldest unpaid balance in the account.

7.3 Late Payment Charge

If a billed amount or any part thereof, including but not limited to late payment charges, remains unpaid for more than 30 days after the bill was mailed, the customer will also be required to pay a late payment charge. The late payment charge will be applied monthly at a rate of 1.5 percent of the unpaid balance. The late payment charge will be applied from the day of mailing and continue until the bill has been paid in full.

7.4 Charges for Collecting Unpaid Invoices

Should the Customer, Owner or any Person fail to pay within thirty days after an invoice has been mailed for any services, fees, or penalties pursuant to this Tariff, Sewage Corp may begin collection procedures including legal proceedings. The Customer, Owner and/or the Person will be responsible to pay the invoice; interest on the unpaid balance, as outlined above, legal fees, and other collection expenses.

7.5 Discontinuance of Service – Non-Payment

7.5.1 If any billed amount remains unpaid for more than thirty days after the bill was mailed, then Sewage Corp shall have the right to discontinue sewer service to such delinquent property if such past due amount (and any late charges) remain unpaid for more than twenty (20) days after Sewage Corp sends such Customer or Owner a written notice by First Class Mail stating that the payment is past due and that service will be discontinued if payment is not made by a stated date.

7.5.2 The Customer or Owner will be charged the actual cost incurred by Sewage Corp with respect to the preparation and/or execution of disconnection and reconnection, including all legal and expert fees associated with the disconnection and reconnection of service.

7.5.3 Payment in full for all charges must be made to avoid disconnection of service or to have service resumed. Sewage Corp may waive this provision for good cause.

7.5.4 Receipt of a subsequently dishonored negotiable instrument in response to a notice of discontinuance shall not constitute payment of the customer's account, and Sewage Corp shall not be required to issue an additional notice prior to discontinuance.

7.6 Election of Multiple Remedies

Sewage Corp may, at its sole discretion, disconnect service, as described above, institute legal proceedings to collect the unpaid balance, or implement these, any or all other legal or equitable remedies available to it, simultaneously or individually without prejudice to bringing the other available actions and remedies at other times. The Customer or Owner will be responsible to pay all of the costs incurred by Sewage Corp including but not limited to attorneys' fees.

7.7 Security Deposits

7.7.1 As a condition of receiving service, Sewage Corp may require a deposit from residential customers that are delinquent (having a bill remaining unpaid 30 days from the date mailed), seasonal, short term, or temporary or who have had service terminated for non-payment during the preceding 6 months.

7.7.2 Sewage Corp will require a deposit from Commercial Establishments that will be held until service is terminated.

7.7.3 Deposits from applicants and customers will be two times the estimated average monthly bill for a calendar year. There will be no interest paid on deposits.

7.7.4 Sewage Corp may use the deposit to pay delinquent bills. However, the use of the deposit by Sewage Corp will not relieve a Customer, Owner or Person from the obligation to pay any amount that it owes the Sewage Corp under this tariff, maintain the deposit, or change the computation of late charges or other fees.

7.7.5 Sewage Corp shall perform an annual review of the billing history of every customer who has a deposit with it to assure that the amount of the deposit conforms with the computations set forth above. Sewage Corp may review the deposit at any time. If a review shows that the deposit held falls short of the amount the Company may require by 25 percent or more, Sewage Corp may require that the customer pay an additional deposit. If a review shows that the deposit held exceeds the amount required by 25 percent or more, Sewage Corp shall refund the excess to the customer. The customer may request a downward revision of the deposit.

7.7.6 The deposit from a residential customer may be held by Sewage Corp until the customer has paid all of its bills on time for 24 consecutive months.

7.8 Sewer Rates

7.8.1 Each Customer shall pay for the services provided by Sewage Corp to such Customer's real property based on its use of the WWTP as determined by the sewer rates authorized by the action or lack of action by the Town. See Appendix I – Sewer Rental Rates and Charges and Appendix II – Surcharges.

7.9 Surcharges for Non-Conforming Effluent

7.9.1 A surcharge, in addition to the sewer rate, will be collected from the Customers whose wastewater has BOD or SS concentration in excess of Normal Domestic Wastewater.

- (a) The surcharge for operation and maintenance including replacement shall be determined as operating costs become available and/or on an individual basis at the time of sewer connection application and will be based on the approved rate set forth in the Tariff to treat a pound of BOD and SS. (See Appendix II for method of calculation and implementation procedure.)
- (b) Each Customer contributing wastewater whose waste strength is greater than normal domestic wastewater shall prepare and file with Sewage Corp a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the sewer rate for that Customer. Sewage Corp shall have the right to gain access to the waste stream and take its own samples; the cost to take and analyze the sample shall be borne by the Customer. Should Sewage Corp do so and should the results be substantially different from the data submitted by the Customer, the sewer rate for that Customer shall be revised for the next billing cycle/period to include the cost of analysis and any professional costs required by Sewage Corp to review said analysis.

7.9.2 Any Customer that discharges any Toxic Pollutants (as defined in this document), that cause an increase in the cost of managing the effluent and the sludge from the WWTP, or that discharges any substance that singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the WWTP, shall pay for such increased costs. The charge to each such Customer shall be as determined as needed by Sewage Corp's appointed professional engineer.

7.10 Complaint Handling Procedure and Back Billing

7.10.1 Any Customer who feels the charge for service is incorrect may make written application to Sewage Corp requesting a review of its invoices. Said written request shall, when necessary, show the actual or estimated average flow and/or strength of its wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

7.10.2 Review of the request shall be made by Sewage Corp and if substantiated, the sewer rates for that Customer shall be recomputed for the period that the Customer can prove the lower flow or incorrect billings. The revised invoices shall be based on the revised flow and/or strength data, and the revised sewer rates shall be applicable to the next billing cycle/period. Adjusted bills may be issued for past periods, but such adjustments will not be applied for a period of more than two years unless the incorrect charges are shown by the Customer to be the fault of Sewage Corp. If the charges are shown to be the fault of Sewage Corp, then past bills may be corrected for up to six years.

7.11 Charges are Subject to Change

Sewage Corp may revise or amend rates and charges in accordance with the provisions of the Transportation Corporations Law.

ARTICLE 8 – SEWER WASTE RESTRICTIONS

8.1 General Prohibitions

8.1.1 No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater that will interfere with the operation or performance of the sewers, the WWTP, sewage treatment process, or equipment. These general prohibitions apply to all users of a TW whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State, or Local Pretreatment Standards or Requirements.

8.1.2 Without limiting the generality of the foregoing, a user may not contribute or cause to be contributed the following substances to the TW:

- (a) Any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted process water without the prior written consent of Sewage Corp.
- (b) Septic tank waste (septage) will not be discharged into the Sewer System.
- (c) 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 TW, or to the operation of the TW. 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 that the Sewer Corp, the State, or the EPA has determined to be a fire hazard, or hazard to the TW.
- (d) 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.
- (e) Chlorine.
 - (f) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower (0.76 hp metric) or greater shall be subject to the review and approval of Sewage Corp.
 - (g) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
 - (h) Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the Sewer System exceeds the limits established by the NYSDEC or the National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency for such materials.
 - (i) Any waters or wastes containing phenols or other tastes or odor producing substances, in such concentrations exceeding limits, which may be established by Sewage Corp as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (j) Any wastewater having a pH less than 5.0 or greater than 10.0, unless the TW was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Sewer Corp.
 - (k) Medical Waste or any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure, pass through, or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the TW, 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.
 - (l) Any noxious or malodorous solids, liquids, or gases that either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life, limb, or property or are sufficient to prevent entry into the sewers for their maintenance or repair.

- (m) Material that exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the WWTP.
 - 4. Unusual volume of flow or concentration of wastes or both constituting slugs widely variant from the normal or average.
- (n) Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the WWTP effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (o) Any water or wastes that, by interaction with other water or wastes in the Sewer System, release obnoxious gases, form suspended solids that interfere with the collection system or create a condition deleterious to structures and treatment processes.
- (p) Oils and grease - Any commercial, institutional, or industrial wastes containing floatable oils or fats, waxes, grease, or oils that 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.
- (q) Any wastewater which will cause interference or pass through.
- (r) Any wastewater with objectionable color that is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.
- (s) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F) or any material that would cause the TW treatment plant influent temperature to be greater than 40 degrees C (104 degrees F) or cause the inhibition of biological activity in the WWTP. The Sewer Corp. reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65 degrees C.

- (t) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.
- (u) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the SPDES permit in compliance with applicable State or Federal regulations.
- (v) Any wastewater that causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.
- (w) 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.
- (x) Any pollutants that result in the presence of toxic gases, vapors, or fumes within the TW in a quantity that may cause acute worker health and safety problems.

8.2 Restrictions on Inflow

8.2.1 New Inflow Sources Prohibited.

No connection shall be made to a sanitary sewer that is 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.

8.2.2 No Re-connection of Inflow Source Allowed.

Sewage Corp, without notice, may disconnect any property after any inflow source that had been disconnected pursuant to this Article is reconnected.

8.2.3 Charges for Inflow

The Sewage Corp 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 the per gallon sewage rate set forth in this Tariff.

8.3 Prohibited Connections

8.3.1 No privy vault, cesspool, sinkhole, septic tank, or similar receptacle at any time shall be connected to a Sewer.

8.3.2 Swimming pool drains shall not be connected to any sanitary sewer.

8.4 Concentration Based Limitations

8.4.1 No person shall, directly or indirectly, discharge or cause to be discharged to the Sewer System wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the POTW ("end of pipe" concentrations).

- (a) Wastewater containing more than 10 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- (b) Wastewater containing more than 8 milligrams per liter of phosphorus.
- (c) Wastewater containing cyanides in excess of 0.004 mg/l as CN in the wastes as discharged to the Sewer System.
- (d) Any waters or wastes having pH in excess of 10.0.

8.4.2 Sewage Corp may set limitations lower than the limitations established in the regulations above if in its opinion such more severe limitations are necessary to meet the above objectives. In forming such opinion as to the acceptability of these wastes, Sewage Corp will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Sewers, materials or construction of the Sewers, nature of the sewage treatment process, capacity of the WWTP, degree of treatability of wastes in the WWTP, and other pertinent factors.

8.5 Sewage Corp's Powers Regarding Abnormal Waste

If any waters or wastes are discharged, or are proposed to be discharged to the Sewer System, which contain the substances or possess the characteristics enumerated in Section 8.4 of this Article; which in the judgment of Sewage Corp may have a deleterious effect upon the WWTP wastewater facilities, processes, equipment, or receiving waters; or which otherwise create a hazard to life or constitute a public nuisance, Sewage Corp may:

1. Reject the waste;
2. Require pretreatment to an acceptable condition for discharge to the Sewer System;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes.

8.6 Commercial and Industrial Discharges, When Permitted

8.6.1 Grease, oil, and sand interceptors shall be provided by an Owner when, in the opinion of Sewage Corp, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or of any flammable wastes, sand, or other harmful ingredients. Such interceptors shall be of a type and capacity approved by Sewage Corp and shall be located as to be readily and easily acceptable for cleaning and inspection. In the maintaining of these interceptors, the Owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of the disposal, which are subject to review by Sewage Corp. Any removal and hauling of the collected materials not performed by Owner's personnel must be performed by currently licensed waste disposal firms.

8.6.2 All industrial waste shall be pretreated in accordance with federal and state regulations and this Tariff to the extent required by applicable National Categorical Pretreatment Standards, state pretreatment standard, or standards established by Sewage Corp, whichever is more stringent. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at its expense.

8.6.3 The Owner of any building serviced by a Building Sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by Sewage Corp and any regulatory agency with authority. The manhole shall be installed by the Owner at its expense and shall be maintained by it so as to be safe and accessible at all times. The Owner shall perform such monitoring as Sewage Corp may reasonably require including installation, use and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to Sewage Corp. Such records shall be made available upon request of Sewage Corp and any regulatory agency that may request said records.

8.6.4 When required by Sewage Corp, as an alternative, Sewage Corp may require the Owner of any property serviced by a Building Sewer carrying industrial wastes to install a suitable structure together with such necessary meters and other appurtenances in the Building Sewer to facilitate observations, sampling, and measurement of the wastes. Such structure shall be accessible and safely located and shall be constructed in accordance with plans approved by Sewage Corp. The structure shall be installed by the Owner at its expense and shall be maintained by it so as to be safe and accessible at all times.

8.6.5 All Industrial/Commercial Establishments discharging into the Sewer System shall perform such monitoring as Sewage Corp or duly authorized employees of Sewage Corp may reasonably require including installation, use, and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to Sewage Corp. Such records shall be made available upon request by Sewage Corp to other agencies having jurisdiction over discharges to the receiving waters.

8.6.6 Each Customer contributing wastewater whose waste strength is greater than Normal Sewage shall prepare and file with Sewage Corp a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the sewer rate for that Customer. Sewage Corp shall have the right to gain access to the waste stream and take its own samples, the cost of which shall be borne by the Customer. Should Sewage Corp do so and should the results be substantially different from the data submitted by the **Customer**, the sewer rate for that Customer shall be revised for the next billing cycle/period to include the cost of analysis and any professional costs required by Sewage Corp to review said analysis.

8.6.7 For those Customers whose wastewater has a greater strength than Normal Sewage, a surcharge in addition to the normal sewer rate will be collected from the **Customer**. The surcharge for operation and maintenance including replacement shall be determined as operating costs become available and/or on an individual basis at the time of sewer connection application and will be based on the approved rate set forth in the approved Tariff to treat a pound of BOD and SS. (See Appendix II for method of calculation.)

8.6.8 If any Customer (a) discharges any Toxic Pollutants (as defined in this Tariff), that cause an increase in the cost of managing the effluent and the sludge from the WWTP, or (b) discharges any substance that singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the WWTP, then such Owner shall pay for such increased costs. The charge to each such Customer shall be as determined by Sewage Corp's appointed professional engineer.

8.6.9 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Tariff shall be determined by use of Standard Methods. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by Sewage Corp.

8.6.10 No Customer shall meet the requirements of this Tariff by diluting wastes in lieu of proper pretreatment.

8.6.11 If Sewage Corp permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of Sewage Corp, any regulatory agency with jurisdiction, and to the requirements of all applicable codes, ordinances, and laws. Such facilities shall not be connected until said approval is obtained in writing. Such approval shall not relieve the Customer of the responsibility of discharging treated waste meeting the requirements of this Tariff. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer.

ARTICLE 9 – VARIANCES

9.1 Sewage Corp may allow reasonable variances from these rules and regulations that will not result in a violation of State or Federal Law upon suitable conditions being satisfied, provided:

- (a) The Owner pays a variance fee equal to all costs to Sewage Corp for said variance;
- (b) The variance allowed shall be the least variance able to meet the requirements of the applicant;
- (c) The variance will not cause undue harm or inconvenience to Sewage Corp, the Sewer System, or the Owner's neighbors; and
- (d) The variance is justified by reasonable and necessary.

9.2 The Owner shall apply for the variance in writing to Sewage Corp. The application shall identify the name and address of the Owner, the property in question, the specific variance sought by the Owner, and the justification for the variance. The variance fee, in an amount estimated by Sewer Corp to be necessary to review the variance application, shall be paid with the application or the variance shall be deemed to have been denied. If the variance fee collected is more than used by Sewer Corp, the overpayment will be refunded. If the variance fee collected is less than needed by Sewer Corp, the applicant will pay the balance. The variance as issued shall identify any changes, limitations, or restrictions placed on the proposed variance that had been filed by the Owner.

9.3 No statement contained in this article shall be construed as preventing any special agreement or arrangement between Sewage Corp and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by Sewage Corp for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with any sewer rate system in effect, and do not waive applicable National Categorical Pretreatment Standards.

ARTICLE 10 – POWER TO INSPECT

10.1 Sewage Corp is permitted to inspect the buildings, facilities, and property of the Customer for compliance with this Tariff. Such entry includes, but is not limited to, reading and inspecting water or wastewater meters at any commercial property and entry into residential homes and apartments to count the number of bedrooms, plumbing fixtures, and bathrooms.

10.2 Authorized agents of Sewage Corp bearing proper credentials and identification shall be granted access to enter each Owner's property for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the Sewer System in accordance with the provisions of this Tariff.

10.3 Duly authorized agents of Sewage Corp are authorized to obtain information concerning industrial processes, number of plumbing connections, and bathrooms that have a bearing on the

kind and source of discharge to the Sewer System. A Customer may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. Under any circumstance, the information in question shall be made available upon written request to governmental agencies for uses related to this Tariff, the SPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the Customer.

10.4 While performing necessary work on private properties referred to in this Tariff, authorized agents of Sewage Corp shall observe all safety rules established by Sewage Corp that are applicable to such properties. The Owner of such property shall indemnify and hold Sewage Corp and its employees, agents, and contractors harmless from and against any cost (including, without limitation, attorneys' fees) for property damage and injury or death to Sewage Corp's employees, and Sewage Corp shall indemnify the Owner against loss or damage to its property by Sewage Corp's agents, and against liability claims and demands for personal injury or property damage asserted against such Owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of such Owner to maintain safe working conditions.

10.5 Access to and Use of Easements

10.5.1 Authorized agents of Sewage Corp bearing proper credentials and identification are permitted to enter all private properties through which Sewage Corp holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement.

10.5.2 All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

ARTICLE 11 – VIOLATIONS AND PENALTIES

11.1 Any Person found to be violating any provision of this Tariff shall be served by Sewage Corp with written or actual notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. After Notice to the Person discharging wastewater to the Sewer System, in violation of this Tariff, Sewage Corp may, in addition to any other remedies available to it, immediately halt or prevent such discharge if it (a) reasonably appears to present an imminent endangerment to the health and welfare of any person, (b) presents, or may present, an endangerment to the environment, or (c) threatens to interfere with the operation of the collection system or WWTP.

11.2 Sewage Corp shall have the right to disconnect from the Sewer System any property of a Customer found to be violating or failing to prevent a Person from violating any provisions of this Tariff. All costs associated with said disconnection shall be borne by the violator or the Owner, if

the Owner had given the violator access to the property or had the opportunity to prevent the violation.

11.3 If an investigation had been undertaken to determine the source of effluent that violated the Tariff, other applicable permit, rules and regulations, or statute, the Owner will pay the full cost of the investigation, plus any and all fines and professional fees associated with the violation.

11.4 If a Customer or Owner fails to correct a violation of this Tariff within thirty (30) days after Sewage Corp sends it written notice of such violation, then the Customer or Owner will be charged a fee of \$100.00 for each day (or portion thereof) thereafter that such violation continues. The charge per day represents the otherwise uncompensated costs incurred by Sewage Corp to manage the situation or enforce the Tariff. The aggregate fee(s) charged to a Customer or Owner that is in violation of this Tariff shall be in addition to Sewage Corp's right to disconnect service to the premises, correct or enjoin any violation of this Tariff, and charge all direct expenses for repairing or rehabilitating the Sewer System and prosecuting and correcting the violation(s).

11.5 Each Customer or Owner shall indemnify and hold harmless Sewage Corp and its employees, agents, and contractors from and against any and all direct or indirect loss, expense, cost (including, without limitation, any attorneys' fees, disbursements, and court costs), and liability and claims relating to or arising from any violation of this Tariff by such Owner or such Owner's agent, contractor, employee, tenant, or other occupant of such Owner's property.

11.6 No failure on the part of the Sewer Corp to exercise, and no delay in exercising, any right, power, or remedy available to it shall operate as a waiver thereof, nor shall any single or partial exercise of such right, power, or remedy by Sewer Corp preclude any other or further exercise thereof or the exercise of any other right, power, or remedy. All remedies available are cumulative and are not exclusive of any other remedies provided by law.

APPENDIX I
SEWER RATES AND CHARGES

Service Charge:

Flat Rates, Monthly

	Effective 4/01/09	Effective 4/01/10
Nungin Sun Won USA (T)	\$ 4,333.08	\$ 4,933.51
NY Renaissance Faire (T)	5,655.00	6,438.61
NYU – Nelson Institute (W)	3,800.00	4,963.25
Palisades Interstate Parkway (W)	1,044.24	1,363.90
Sterling Forest Apts (T)	2,755.00	3,136.76
Sterling Forest LLC (T)	4,166.33	4,743.65

Flat Rate, Quarterly

Sterling Lake – General Service (W) Residential & Commercial	\$ 212.80	\$ 277.94
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Minimum Allowance, monthly, plus usage
(per thousand gallons)

International Paper (T)	\$ 9,857.10	\$ 11,222.99
For usage over 912,500 gallons per month	10.80	12.30

Metered Rates (per thousand gallons)

Indian Kill (T)	\$ 8.95	\$ 10.19
BV ZT (T)	8.95	10.19

Rates set by Pre-Existing Contract

Blue Lake Sewage Treatment System
IBM

(T) – Town of Tuxedo
(W) – Town of Warwick

APPENDIX II -SURCHARGES
FORMULA FOR DETERMINING THE SURCHARGE FOR
TREATING EXCESS BIOCHEMICAL OXYGEN DEMAND (BOD)

$(C1-150) \times Q \times 8.34 \times S1$

C1 = Concentration of BOD in milligrams/liter

Q = Total volume of wastewater processed during billing period in millions of gallons

8.34 = Conversion of milligrams/liter to pounds

S1 = \$_____ per pound, as determined by Sewage Corp's professional engineer.

FORMULA FOR DETERMINING THE SURCHARGE FOR
TREATING EXCESS AMOUNTS OF SUSPENDED SOLIDS

$(C2-250) \times Q \times 8.34 \times S2$

C2 = Concentration of suspended solids in milligrams/liter

Q = Total volume of waste water treated during the billing period in millions of gallons

8.34 = Conversion of milligrams/liter to pounds

S2 = \$_____ per pound of suspended solids, as determined by Sewage Corp's professional engineer.

SURCHARGE FOR DETERMINING EXCESS
VOLUME BY RESIDENTIAL CUSTOMERS

A surcharge will be applied to any residential account that, based upon the customer's water use or measured effluent, produces more than 120% of the design flow for residential property approved by Orange County Health Department. The surcharge will be applied after a 30-day Notice. If the Owner has not cured this violation within 30 days of the mailing of the Notice, it will be surcharged \$100 per day until the amount of effluent has been reduced to less than 120% of the County Health Department's approved design flow for residential property.

NOTE: Prior to implementation of the above surcharge, United Water South County Sewer Inc. will file the amount of the surcharge with the appropriate Town.