

SEWER USE BY-LAWS

TOWN OF LEWISBORO SEWER DISTRICT

EFFECTIVE JANUARY 1, 2004

1. Declaration of Purpose: The Rules and Regulations herein set forth for the maintenance and operation of all TOWN OF LEWISBORO Sewer districts, established by the Town Board of the Town of Lewisboro, New York as necessary or desirable for the efficient operation of said Town of Lewisboro Sewer districts and for accomplishing the purposes of NYSDEC rules and regulations, as amended, and for the protection of the health and safety of the people of Lewisboro and for accomplishing the purposes of NYSDEC rules and regulations.

2. Title: These By-Laws shall be known and may be cited as the "Town of Lewisboro Sewer district Rules and Regulations"

ARTICLE I

Definitions

Section 1.01 Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in these By- Laws shall be as follows:

A. "Building Sewer" shall mean the extension from the sewer drainage system of any structure to the public sewer mains.

A-1. "Sewer Stub" shall mean that portion of the sewer that connects to the public sewer main and extends to the property line and is available to receive a building sewer connection.

A-2. "Building Sewer Connection" shall mean the pipe installed from the property line to the building to receive the sanitary sewage generated by a building or household.

A-3. "Building Sewer" shall mean 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 public sewer main.

B. "Town" shall mean the Town of Lewisboro, Westchester County, New York, a municipality of the State of New York, acting by and through its Town Board or, in appropriate cases, acting by and through its authorized representatives, including the assigned representatives by the Town.

C. "Industrial/Commercial Establishment" shall mean any room, group of rooms, building or other enclosure used or intended for use in the operation of any business enterprise including, but not limited to: food preparation, food sales, hair and cosmetic care, manufacturing, processing, cleaning, laundering, assembling any product, commodity or article or from which any process waste, as distinct from Sanitary Sewage, shall be discharged. Nursing Homes and Hospital centers are considered to be Industrial/commercial.

D. "Industrial Wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

E. "Floatable Oil" is oil, fat, or grease in excess of 100 mg/1 in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

F. "Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial, or possession of any Improved Property.

G. "Person" shall mean any individual, partnership, company, association, society, corporation or other legal entity.

H. "Sanitary Sewage" shall mean normal water-carried household and toilet wastes discharged from any Improved Property, excluding ground, surface or storm water.

I. "Sewer" shall mean any pipe or conduit constituting a part of the Sewer district used or usable for sewage collection purposes.

J. "Sewer district" shall mean all facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of Sanitary Sewage, commercial and Industrial Wastes, situated in the Town of Lewisboro and within the boundaries of the service area of a Town of Lewisboro Sewer district, maintained and operated by the Town of Lewisboro Sewer district

K. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

L. "Notice" shall mean actual notice or written notice mailed postage prepaid first-class mail to any persons last known address or affixed to the door of the premises served by the sewer.

M. "Unpolluted water" is water of 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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

N. "Interference" shall mean a Discharge by an Industrial User which, alone or in conjunction with discharges by other sources, inhibits or disrupts the wastewater treatment facility, its treatment processes or operations, or its sludge processes, use of disposal and which is a cause of a violation of any requirement of the (wastewater treatment plant) WWTP's NYSPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use of disposal by the WWTP's in accordance with groundwater protection rules, solid waste rules, hazardous waste rules, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection Research and Sanctuaries Act.

O. "Pass Through" shall mean the Discharge of Pollutants through the WWTP into waters of the State of New York in quantities or concentrations, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirements of the WWTP's SPDES permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.

P. A "Bathroom" is defined as any room in any; residence, pool house, community building, garage which contains one operating toilet, water closet, urinal or any other plumbing fixture which will add wastewater to the sewer district. In the event that there are two toilets per room it shall be considered as two "Bathrooms". The number of toilets shall determine the number of "Bathrooms" if used for billing purposes.

ARTICLE II

Use of Public Sewers Required

Section 2.01 Does Not Apply

Section 2.02. All Sanitary Sewage, Commercial and Industrial Wastes from any building, after connection of such building with a Sewer as required, shall be conducted into a Sewer, subject to limitations and restrictions as shall be established herein or otherwise shall be established by the Town of Lewisboro and the Town of Lewisboro Sewer district, from time to time.

Section 2.03.

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the Town of Lewisboro Sewer districts of Lewisboro, New York, or in any area under the jurisdiction of said Sewer districts, any human or animal excrement, garbage, or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the sewer district's service area, or in any area under the jurisdiction of said Sewer district, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 2.04. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time for any building which has been connected to the Town of Lewisboro Sewer Corp collection system or which shall be required under Town Law to be connected to the collection system of Town of Lewisboro Sewer district.

Section 2.05. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

ARTICLE III

Building Sewers and Connections

Section 3.01. Except as otherwise provided in this Section 3.01, each building shall be connected separately and independently with 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 the Town of Lewisboro Sewer district, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Town of Lewisboro Sewer district

Section 3.02. New connections for homeowners, commercial properties, developers, schools, industries or any new connection will at the expense of the entity wishing to connect who will be required to employ the Town of Lewisboro Sewer district or its appointed agent to make said construction of new connections. During construction of a new sewer construct a Sewer Stub from the existing sewer main or newly constructed sewer main to the property line of each existing lot along the line and all costs and expenses of construction of the remainder of the Building Sewer, including connection to the structures served, shall be borne by the Owner of the building to be connected; and such Owner shall indemnify and save harmless the Town of Lewisboro Sewer district, its officers and agents, from all loss of damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer Connection on the Owner's premises or the connection to the Sewer district. After the initial construction of the Building Sewer Connection the Owner shall thereafter be obligated to pay all costs of expenses of operation, repair and maintenance and of reconstruction (if needed) of the entire Building Sewer beginning at Town of Lewisboro Sewer district's Sewer Main and ending at the building.

Section 3.03. A Building Sewer shall be connected to Town of Lewisboro collection system at the place designated by the sewer district and where a connection is provided.

Section 3.04. If the Owner of any building located within the service area and benefited, improved, served or accommodated by any Sewer, or to which any Sewer is available, after 90 days notice from the sewer district, in accordance with these by-laws, shall fail to connect such building as required, he shall be in violation of these by-laws and the sewer district or the Town of Lewisboro may make such connection and may collect from such Owner the costs and expenses thereof by such legal proceeding as may be permitted by law. The sewer district or the Town of Lewisboro shall have full authority to enter an Owner's property to do whatever is necessary to properly connect the Improved Property to the sewer district's collection system sewer.

Section 3.05. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any Sewer or any part of the Sewer district without first obtaining a permit, in writing, from the Town of Lewisboro Sewer district, and paying to the sewer district an application fee to be equal to the cost born by Town of Lewisboro Sewer district to have appropriate professionals review said application and make specific recommendations to the sewer district as to the appropriateness of said application.

Section 3.06. In applying for a permit, the Owner shall supply the Town of Lewisboro Sewer District with sufficient information in writing to satisfy it that construction will be in compliance with these by-laws and the Owner shall specifically describe all wastes and the amount thereof to be discharged.

There shall be two (2) classes of building sewer permits: a) for residential and commercial service producing only domestic wastewater; and b) for service to establishments producing industrial commercial wastes. In either case, the owner(s) or his agent shall make application in writing to the Town of Lewisboro Sewer district The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town of Lewisboro Sewer district A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Sewer district at the time the application is filed (See APPENDIX I - SEWER RENTAL RATES AND CHARGES).

The Town of Lewisboro may require a user of sewer services to provide information needed to determine compliance with this document. 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 user's property showing sewer and pretreatment facility location.

F. Details of wastewater pretreatment facilities.

G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 3.07. Construction must meet the following requirements:

A. All connections and joints 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 Town of Lewisboro 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 Town of Lewisboro.

E. The slope from the building to the public sewer main shall be satisfactory to all regulatory authorities and the Sewer district if the slope cannot be made satisfactory, then such other reasonable steps will be taken as will be satisfactory to Town of Lewisboro.

F. All work shall be done in strict conformity to the sewer permit.

ARTICLE IV

Rules and Regulations Governing Building Sewers and Connections to Sewers

Section 4.01. No Building Sewer or repair thereto shall be covered until it has been inspected and approved by the Town of Lewisboro **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.**

Section 4.02. The Owner shall maintain every Building Sewer in a sanitary and safe operating condition.

Section 4.03. Every excavation for a Building Sewer 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, New York City Department of Environmental Protection and any other regulatory authorities with jurisdiction,

Section 4.04. If any Person shall fail or refuse, upon receipt of a notice of the Town of Lewisboro in writing, to remedy any unsatisfactory condition with respect to a Building Sewer, within 45 days of receipt of such notice (except that in the case of emergency this time period may be reduced as necessary to protect the health and safety of the residents of the Town of Lewisboro), the Town of Lewisboro may remedy any unsatisfactory condition with respect to a Building Sewer and may collect from the Owner the costs and expenses thereof by such legal proceedings as may be provided by law including all legal fees associated with said collection..

Section 4.05. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are discharged into the system shall notify the Town of Lewisboro at least 180 days prior to the proposed change or connection. All proposed new discharges from residential, industrial or commercial sources must be approved by the Town of Lewisboro and all regulatory authorities with jurisdiction. All costs associated with the addition of increased volume or loading shall be the responsibility of those who are proposing the increases.

Section 4.06. When a building is demolished and not immediately replaced, the Owner, having first obtained a sewer permit, shall adequately seal off his building sewer where it connects to the sewer main.

Section 4.07. When a building is once connected to the sewer district the Owner shall promptly clean and fill the prior private septic system in a manner satisfactory to the Town of Lewisboro and any regulatory authorities with jurisdiction.

Section 4.08. Where the Owner excavates within or otherwise disturbs public property, then the Owner shall give the Town of Lewisboro prior notice of the proposed action, shall follow all directions of the Town of Lewisboro 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.

ARTICLE V

Powers of Assessment and Collection

Section 5.01. The assessment and collection of the expense of constructing and maintaining the Sewer district shall be governed by the provisions of this document and any laws which may apply such as the New York State General Municipal Law, the Laws of the Town of Lewisboro, NYSDEC regulations, and any other applicable general laws. In conformance with this document, the entire expense of construction, improvement, and maintenance of the sewage disposal system shall be borne by the property owners within said sewer district and funded by a user charge (hereinafter called sewer rate) as herein provided except for those funds agreed to be paid by New York City DEP under the Watershed agreement.

Section 5.02.

A. The revenues collected, as a result of the user charges levied, shall be deposited in the individual account for the specific sewer district it was collected for, within the Town of Lewisboro.

B. Each user shall pay for the services provided by the sewer district on the basis of the tariff approved by the Town of Lewisboro Town Board (or other appropriate methods) acceptable to the Town. (See APPENDIX I - SEWER RENTAL RATES AND CHARGES.)

D. Sewer rates shall be based on assessed value as described in the tariff adopted by the Town Board from time to time. The annual charge for sewer service will be billed for the calendar year in April with the bill for Town taxes.

Section 5.03.

A. "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 200 mg/1 and a suspended solids concentration of not more than 250 mg/1.

B. For those users whose wastewater is suspected to have greater strength than normal domestic sewage, a surcharge in addition to the normal user charge, will be collected. 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.)

C. Any user which discharges any toxic pollutants (as defined in this document) which cause an increase in the cost of managing the effluent and the sludge from

the treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the Town of Lewisboro Sewer district's appointed professional engineer.

D. The user charge established in this Section shall apply to all users of the Town of Lewisboro Sewer district service area treatment works.

E. All users contributing wastewater whose waste strength is greater than normal domestic wastewater shall prepare and file with the sewer district 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 user charge for that user. Town of Lewisboro Sewer district shall have the right to gain access to the waste stream and take its own samples, the cost of which shall be born by the user. Should the sewer district do so and should the results be substantially different from the data submitted by the user, the user charge for that user shall be revised for the next billing cycle/period to include the cost of analysis and any professional costs required by the sewer district to review said analysis.

Section 5.04.

A. All users shall be billed as defined in the approved Tariff. Payments are due as per the approved Tariff. Any payment not as per said approved Tariff shall be considered delinquent and subject to a late payment penalty of 1.5% for each thirty days or portion thereof of delinquency.

B. When any bill (including interest and penalty) remains unpaid for 60 days after the date due; the Town reserves the right to terminate services, said termination can include the termination of potable water supply if said supply is provided by a water district owned by the Town of Lewisboro regardless of the payment history of said water use. Termination can also include the physical disconnecting of the sewer lateral, pipe or main from the property of the delinquent user. All costs associated with the excavation of said lateral, pipe or main for the purpose of terminating service shall be the responsibility of said delinquent user. Payment for all costs associated with said termination must be paid in full prior to service being reconnected.

C. All sewer charges shall be a lien against the premises served.

Section 5.05

A. The Town of Lewisboro reserves the right to review the user charges at least every year and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including

replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

Section 5.06.

A. The rates as established by Appendix I shall prevail. Any previous contracts, agreements, or arrangements as to rates, methods for collection, or any other element effecting rates and charges shall be null and void.

B. The Town of Lewisboro sewer district shall revise or amend rates and charges, as they deem necessary for the operation and maintenance of the treatment works.

ARTICLE VI

Sewered Waste Restrictions

Section 6.01. No person shall discharge or cause to be discharged any extraneous waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water, to any sanitary sewer.

Section 6.02. Storm water and all other drainage shall be discharged to storm sewers, if available, or to a natural outlet approved by the appropriate regulatory agency. Industrial cooling water or unpolluted process waters may be discharged, on approval of the sewer district, and the appropriate regulatory agency into the sanitary sewer or to a storm sewer, if available, or an approved natural outlet.

Section 6.03. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure, pass through, or cause interference with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, cause a violation of the district's discharge permit, or create any hazard in the receiving waters or the wastewater treatment plant, including but not limited to cyanides in excess of 0.004 mg/l as CN in the wastes as discharged to the public sewer.

C. Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104 degrees F (40 degrees C) or cause inhibition of biological activity in the WWTP.

D. Any waters or wastes having a pH lower than 6.0, or higher than 10.0 or having other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

E. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground garbage grinders.

Section 6.04. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the sewer district that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, cause a violation of the district's discharge permit, or can otherwise endanger life, limb, public property, or constitute a nuisance. The Town of Lewisboro may set limitations lower than the limitations established in the regulations below if in the district's opinion such more severe limitations are necessary to meet the above objectives. In forming such opinion as to the acceptability of these wastes, the sewer district will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

A. Wastewater containing more than 10 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

B. Wastewater from industrial plants containing floatable oils, fats, or grease.

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the sewer district

D. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

E. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Town, the NYSDEC, NYCDEP, or the National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency for such materials.

F. Any waters or wastes containing phenols or other tastes or odor producing substances, in such concentrations exceeding limits which may be established by the sewer district 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.

G. 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.

H. Any waters or wastes having pH in excess of 10.0.

I. 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 sewage treatment works.

4. Unusual volume of flow or concentration of wastes or both constituting slugs widely variant from the normal or average.

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

K. Any water or wastes which, by interaction with other water or wastes in the public sewer district, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

L. Wastewater with any of the following constituents at concentrations greater than those indicated below:

(Locally developed limits).

Section 6.05. If any waters or wastes are discharged, or are proposed to be discharged to the collection system, which waters contain the substances or

possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Town of Lewisboro, may have a deleterious effect upon the wastewater facilities, processes, equipment, ability for the facility to meet the district's discharge permit, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- A. Reject the waste,
- B. Require pretreatment to an acceptable condition for discharge to the public sewers, said cost of all pretreatment shall be borne by the user.
- C. Require control over the quantities and rates of discharge and/or,
- D. Require payment to cover the added cost of handling and treating the wastes.

If the sewer district 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 the sewer district, and any regulatory agency with jurisdiction, and subject 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 owner of the responsibility of discharging treated waste meeting the requirements of this ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer.

Section 6.06. Grease, oil, and sand interceptors shall be provided when, in the opinion of the sewer district, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the sewer district, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) 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 the Town of Lewisboro. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. In the event said interceptors are not properly maintained by the owner, the district reserves the right to provide what ever maintenance is necessary in the eyes of the district. All costs associated with said maintenance shall be the responsibility of the owner. In the event of a continual problematic discharge from said interceptors, service may be terminated until such time as an appropriate resolution is proposed by the owner. All costs associated with termination of service will be the responsibility of the owner and service shall not be reconnected until all costs associated with said termination are paid in full.

Section 6.07. All industrial waste shall be pretreated in accordance with federal and state regulations and this ordinance to the extent required by applicable National Categorical Pretreatment Standards, state pretreatment standards or standards established by the Town of Lewisboro, 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 his expense.

Section 6.08. 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 accessibly and safely located and shall be constructed in accordance with plans approved by the sewer district and any regulatory agency with authority. The manhole shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The Owner shall perform such monitoring as the sewer district may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the sewer district such records shall be made available upon request of the sewer district and any regulatory agency that may request said records.

Section 6.09. When required by the Town of Lewisboro, the owner of any property serviced by a building sewer carrying industrial wastes, or waste determined by the district to require similar monitoring as industrial waste, shall install a suitable structure together with such necessary meters and other appurtenance in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town of Lewisboro. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

All industries discharging into the collection system shall perform such monitoring as the sewer district or duly authorized employees of the sewer district may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the sewer district such records shall be made available upon request by the sewer district to other agencies having jurisdiction over discharges to the receiving waters.

Section 6.10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, or with the EPA approved methods published in the Code of Federal

Regulations, Title 40, Part 136 (40 CFD 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Town of Lewisboro.

Section 6.11. Septic tank waste (septage) will not be accepted into the sewer district.

Section 6.12. It shall be illegal to meet requirements of this document by diluting wastes in lieu of property pretreatment.

ARTICLE VII

Variance

Section 7.01. The Town of Lewisboro Sewer district, may allow reasonable variances which will not result in a violation of State or Federal Law upon suitable conditions from this ordinance, provided:

A. The owner pays a variance fee equal to all costs to the sewer district for said variance.

B. The variance allowed is the least variance reasonable.

C. The variance will not cause additional costs or undue harm or inconvenience to the sewer district the sewage system, or the owner's neighbors.

D. The variance is justified by substantial reason.

Section 7.02. The Owner shall apply for the variance in writing to the Town of Lewisboro. The application shall identify the name and address of the Owner, the property in question, the specific variance sought by the Owner and a substantial reason justifying the variance. The variance fee shall be paid with the application or the variance shall be deemed to have been denied. The variance as issued shall identify any changes, limitations or restrictions on the variance as applied for.

Section 7.03. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the sewer district and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the sewer district for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated there under, are compatible with any User Charge System in effect, and do not waive applicable National Categorical Pretreatment Standards.

ARTICLE VIII

Powers and Authority of Inspectors

Section 8.01. The duly authorized agent of the Town of Lewisboro shall be authorized to enter all properties as reasonably necessary for the purpose of inspection regarding compliance with this document. This includes monthly meter readings at any commercial properties where a meter reading is necessary for billing purposes. This includes residential homes to maintain a count on number of plumbing fixtures and bathrooms for billing purposes.

Section 8.02. The Town of Lewisboro and other duly authorized employees of the sewer district bearing property credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the collection system in accordance with the provisions of this document.

Section 8.03. The Town of Lewisboro or other duly authorized employees or contractors are authorized to obtain information concerning commercial and or industrial processes number of plumbing connections, bathrooms that have a bearing on the kind and source of discharge to the sewer district. The industry 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. The information in question shall be made available upon written request to governmental agencies for uses related to this ordinance, the SPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the industry. However, information about wastewater discharged by the industry (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.

Section 8.04. While performing the necessary work on private properties referred to in Article VIII, Section 1, above, the Town of Lewisboro or duly authorized employees or agent of the sewer district shall observe all safety rules applicable to the premises established by the company, the company shall be held harmless for injury or death to the sewer district's employees, and the sewer district shall indemnify the company against loss or damage to its property by sewer district employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 6.09.

Section 8.05. The Town of Lewisboro and other duly authorized agent or employees of the sewer district bearing property credentials and identification shall be permitted to enter all private properties through which the sewer district holds a duly negotiated 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.

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

ARTICLE IX

Penalties

Section 9.01. Any person making a misrepresentation in any permit application or otherwise violating this document shall be guilty of a violation. Thirty (30) days following notice to the owner of such violation, each day of continued violation shall be a separate offense. This penalty shall be in addition to the sewer districts right to correct or enjoin any violation, charging the expense thereof to the owner.

Section 9.02. Any person found to be violating any provision of this ordinance except Article VII shall be served by the Town of Lewisboro with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The sewer district may, after informal notice to the person discharging wastewater to the collection system, immediately halt or prevent such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens Section 9.02. to interfere with the operation of the collection system or wastewater treatment facilities.

Section 9.03. Any person found to be violating any provisions of this ordinance shall be disconnected from said collection system. All costs associated with said disconnection shall be born by the violator

Section 9.04. No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment, which is part of the wastewater facilities. Any person(s) violating this provision shall be guilty of a misdemeanor.

Adopted Sewer Rental Rates and Charges Effective January 1, 2004

APPENDIX I - SEWER RENTAL RATES AND CHARGES

I. Sewer Rental Rate as per the Approved Rate Petition

APPENDIX II

FORMULA FOR DETERMINING THE SURCHARGE FOR TREATING EXCESS BIOCHEMICAL OXYGEN DEMAND (BOD)

$$(C1-200) \times Q \times 8.34 \times S1$$

C1 = Concentration of BOD in milligrams/liter

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

8.34 = Conversion of milligrams/liter to pounds

S1 = Unit charge for each pound of BOD in dollars (To be determined when plant is in operation.)

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 = Unit Charge for each pound of suspended solids in dollars (To be determined when plant is in operation.)