

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

Section 1208 - Charges for Trucked and Hauled Wastes

The charge for dumping septage into the POTW shall be \$20.00 per 1000 gallons dumped. The manner of determining the volume dumped shall be at the discretion of the Superintendent.

Section 1209 - Capital Recovery

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

Section 1210 - Collection of Charges

Provisions of Article 11 of this Law relating to the collection of penalties shall apply to the collection of Sewer Service Charges and Abnormal Sewage Service Surcharges, unless where otherwise provided by application of the Sewer unit Assessment or Sewer Rent by Town of Kirkland.

Section 1211 - Fiscal Year for System

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

Section 1212 - Impact Fees

The appropriate municipal board shall have the authority to impose impact fees on new development, which development may:

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

Section 1213 - Use of Revenues

Revenues derived from user charges and associated penalties, and impact fees, shall be credited to a special fund known as the "Sewer Rent Fund". Monies in this fund shall be used in accordance with the provisions of §453 of the General Municipal Law of the State of New York, and shall be used exclusively for the following functions:

- (a) For the payment of the operation and maintenance, including repair and replacement costs of the POTW within the Town of Kirkland,
- (b) For the discovery and correction of inflow and infiltration,
- (c) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the POTW within the Town of Kirkland, and

- (d) For the construction, extension, enlargement, replacement of, and/or additions to the POTW within the Town of Kirkland, including any necessary appurtenances, or parts thereof.

Section 1214 - Records and Accounts

The Town of Kirkland shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Town of Kirkland will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.

In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.

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

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

ARTICLE 13

PUBLIC DISCLOSURE OF POTW OPERATIONS

Section 1301- POTW Operations Open to the Public

It shall be the policy of the Town of Kirkland to conduct all business with full disclosure to the public, in accordance with applicable law.

Section 1302- Procedural Requirements Available

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

Section 1303- Validity Through Public Inspection

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

ARTICLE 14

CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND APPLICABILITY

Section 1401- Conflicts

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

Section 1402- Severability

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

Section 1403- Effective Date

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

Section 1404- Applicability

Articles 1, 2, 4, 8, 11, 12, 13, 14, 15 and 16 shall apply in all incorporated areas of the Town of Kirkland. Articles 3, 5, 6, 7, 9 and 10 shall apply only in incorporated areas of the Town of Kirkland which are also within a sewer district within the Town of Kirkland and within the service area of a POTW in the Town of Kirkland.

ARTICLE 15

VIOLATIONS

Section 1501- Costs, Charges and Fees

Any person or corporation, whether as owner or lessee, agent or employee, which shall be required to pay any costs, fees, or charges shall be required to make such payments in addition to the penalties for violation under this article.

Section 1502- Penalties for Violation

Any person or corporation, whether as owner or lessee, agent or employee, which shall violate any provisions of this Local Law or which fails to comply with any order or regulation made hereunder shall be guilty of an offense and, upon the conviction, shall be punished by a fine not exceeding two hundred fifty dollars (\$250) or imprisonment not exceeding six (6) months, or both, in accordance with the provisions of Article 9 of the Town Law and any amendments thereto and any other statutes relating thereto.

Section 1503- Separate Violations

Each violation shall constitute a separate additional violation and shall be subject to a separate and additional fine and/or penalty.

Section 1504- Conferring Jurisdiction Upon any Court

For the purpose of conferring jurisdiction upon any Court, including but not limited to the Town Court of the Town of Kirkland and the respective judicial officers generally, such violation shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

APPENDIX

Parameters of Concern

Class A - Halogenated Hydrocarbons

Class B - Halogenated Organics (Other than Hydrocarbons)

Class C - Pesticides (Includes Herbicides, Algaecides, Biocides, Slimicides and Mildewcides)

Class D - Aromatic Hydrocarbons Class E - Tars

Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogenated) Class G - Miscellaneous

Class M - Metals and their Compounds

Class A - Halogenated Hydrocarbons

A01. Methyl Chloride

A02. Methylene Chloride

A03. Chloroform

A04. Carbon Tetrachloride

A05. Freon/Genatron

A06. Other Halomethanes

A07. I,I,I-Trichloroethane

A08. Other Haloethanes

A09. Vinyl Fluoride

A10. Vinyl Chloride

A11. Dichloroethylene

A12. Trichloroethylene

A13. Tetrachloroethylene

A14. Chlorinated Propane

A15. Chlorinated Propene

A16. Hexachlorobutadiene

A17. Hexachlorocyclopentadiene

A18. Chlorinated Benzene

A19. Chlorinated Toluene

A20. Fluorinated Toluene

A21. Polychlorinated Biphenyl (PCB)

A22. Chlorinated Naphthalene

A23. Dechlorane ($C_{10}Cl_{12}$)

A24. Hexachlorocyclohexane (BHC)

A99. Halogenated Hydrocarbons Not Specified Above

Class B - Halogenated Organics (Other than Hydrocarbons)

B01. Phosgene

B02. Methyl Chloromethyl Ether

B03. Bis-Chloromethyl Ether

B04. Other Chloroalkyl Ethers

B05. Benzoyl Chloride

B06. Chloroform

B07. Chlorinated Phenol

B08. Chlorinated Cresols or Xylenols

B09. Chlorendic Acid

B10. Chloroaryl Ethers

B11. Dichlorophene or Hexachlorophene

B12. Chlorinated Aniline (Including Methylene Bis (2-Chloroaniline))

B13. Dichlorobenzidine

B14. Chlorinated Diphenyl Oxide

B15. Chlorinated Toluidine

B16. Kepone (C₁₂H₄Cl₆)

B17. Dichlorovinyl Sulfonyl Pyridine

B18. Chloropicrin

B19. Trichloromethyl Thio-phthalimide

B20. Trichloro-Propylsulfonyl Pyridine

B21. Tetrachloro-Methylsulfonyl Pyridine

B22. Tetrachloro-Isophthalonitrile

B99. Halogenated Organics Not Specified Above

Class C - Pesticides (Includes Herbicides, Algacides, Biocides, Slimecides and Mildewcides)

C01. Aldrin/Dieldrin

C02. Chlordane and Metabolites

C03. DDT and Metabolites

C04. Endosulfan/Thiodan and Metabolites

C05. Endrin and Metabolites

C06. Heptachlor and Metabolites

C07. Malathion
C08. Methoxychlor
C09. Parathion
C10. Toxaphene
C11. Sevin
C12. Kelthane
C13. Diazinon
C14. Dithane
C15. Carbaryl
C16. Silvex
C17. Dithiocarbamates
C18. Maneb
C19. Dioxathion
C20. Tandex/Karbutilate
C21. Carbofurans
C22. Pentac
C23. Folpet
C24. Dichlone
C25. Rotenone
C26. Lindane/Isotox
C27. Simazine
C28. Methoprene
C99. Pesticides Not Specified Above

Class D - Aromatic Hydrocarbons

D01. Benzene
D02. Toluene
D03. Xylene
D04. Biphenyl
D05. Naphthalene
D06. Ethylbenzene
D07. Styrene
D08. Acenaphthene
D09. Fluoranthene
D99. Aromatic Hydrocarbons Not Specified Above

Class E - Tars

E01. Coal Tar

E02. Petroleum Tar

E99. Tars Not Specified Above

Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogogenated)

F01. Phenol, Cresol or Xylenol

F02. Catechol, Resorcinol, or Hydroquinone

F03. Nitrophenols

F04. Nitrobenzenes

F05. Nitrotoluenes

F06. Aniline

F07. Toluidines

F08. Nitroanilines

F09. Nitroanisole

F10. Toluene Diisocyanate

F11. Dimethylaminoazobenzene

F12. Benzoic Acid (and Benzoate Salts)

F13. Phthalic, Isophthalic or Terephthalic Acid

F14. Phthalic Anhydride

F15. Phthalate Esters

F16. Phenoxyacetic Acid

F17. Phenylphenols

F18. Nitrobiphenyls

F19. Aminobiphenyls (Including Benzidine)

F20. Diphenylhydrazine

F21. Naphthylamines

F22. Carbazole

F23. Acetylaminofluorene

F24. Dyes and Organic Pigments

F25. Pyridine

F99. Substituted Aromatics Not Specified Above

Class G - Miscellaneous

G01. Asbestos

G02. Acrolein

G03. Acrylonitrile

G04. Isophorone

G05. Nitrosamines
G06. Ethyleneimine
G07. Propiolactone
G08. Nitrosodimethylamine
G09. Dimethylhydrazine
G10. Maleic Anhydride
G11. Methyl Isocyanate
G12. Epoxides
G13. Nitrofurans
G14. Cyanide

Class M - Metals and Their Compounds

M01. Antimony
M02. Arsenic
M03. Beryllium
M04. Cadmium
M05. Chromium
M06. Copper
M07. Lead
M08. Mercury
M09. Nickel
M10. Selenium
M11. Silver
M12. Thallium
M13. Zinc
M99. Metals Not Specified Above

Table 1201-1: New Development Flow Rates

Source of Flow	Flow Rate to be added to the System ⁽²⁾	Reference
Residential Homes	1 Bedroom – 150 gal/day 2 Bedroom – 300 gal/day 3 Bedroom – 400 gal/day 4 Bedroom – 475 gal/day 5 Bedroom – 550 gal/day	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Apartments	1 Bedroom – 150 gal/day 2 Bedroom – 300 gal/day 3 Bedroom – 400 gal/day	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Office Buildings	Based on the larger of 15 gal/day times the number of Employees OR 0.1 gal/day times the total square footage of space	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Restaurants	Ordinary Restaurant – 35 gal/day/per seat Small Restaurant/Tavern – 20 gal/day/per seat	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Industrial Flows	To be determined at the time of application based on similar industry type and size	
Other Sources Such as Stores, Motels/Hotels, Recreational Facilities, etc.	To be determined at the time of application based on similar business type and size or the <i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾	

(1) In the event that NYSDEC amends the 1988 edition, the amended edition shall govern.

(2) *Design Standards for Wastewater Treatment Works*, 1988 edition as published by the NYSDEC allow for the following:

- a. Hydraulic loading rates based on actual water usage data if available for the specific type of new development facility.
- b. 20% reduction in the above listed flow rates if certified water saving plumbing fixtures are used.
- c. Expected hydraulic loading rates (flow rates) based on new/alternative technologies will be considered on a case-by-case basis.

Table 1201-1: Infiltration Guidelines

INFILTRATION

Problem Type	Reference	Contribution (gpm)	
Manholes	Joint Leaks – Paved Areas ⁽¹⁾	Heavy – 1.1 gpm Moderate – 0.65 gpm Minor – 0.27 gpm	ASCE Manual of Practice No. 92
Manholes	Joint Leaks – Unpaved Areas ⁽¹⁾	Heavy – 4.6 gpm Moderate – 2.3 gpm Minor – 1.1 gpm	ASCE Manual of Practice No. 92 Erie County Division of Sewerage Management (Value has been approved by NYSDEC)
Manholes	Joint Leaks – Manhole Near Watershed Area	To be determined on a case by case basis	
Manholes	Low Lying Manholes/surface water	4 gpm	Erie County Division of Sewerage Management (Value has been approved by NYSDEC)
Manholes	Exposed or Cracked Covers/Frames	To be determined on a case by case basis	
Pipe Segments ⁽²⁾		To be determined for each specific project by using calculations, flow metering, and/or televised inspection and data from previously completed studies.	The 1982 SSES Report should be utilized as a guideline when feasible
Laterals/Other Connections ⁽²⁾		To be determined for each specific project by using calculations, flow metering, and/or televised inspection and	The 1982 SSES Report should be utilized as a guideline when feasible

		data from previously completed studies.	
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(1) Based on condition of manhole. "Heavy" means severe cracks and cracks throughout manhole. "Moderate" means moderate cracks within manhole. "Minor" means minor cracks within manhole.

(2) Calculations must be prepared by a New York State Licensed Professional Engineer.

Table 1203-2: Inflow Guidelines
INFLOW

Problem Type	Contribution(gpm)	Reference
Sump Pumps	5 ⁽¹⁾	Village of Sackets Harbor (Value has been approved by NYSDEC)
Roof Drains	11 ⁽²⁾	1982 SSES Report ⁽²⁾
Catch Basins/Cross Connections	To be calculated based Soil Conservation Service methodologies The 1-year, 24-hour storm event utilizing the Type II Standard Rainfall Distribution will be used. 1-year storm rainfall amount is 2.30 inches for Oneida County per NYSDOT Highway Design Manual	

(1) Based on 5 gpm over a 24-hour per day period

Table 4-4: Curve Numbers for use in Runoff Calculations ⁽¹⁾

----- Cover description-----				
Curve numbers for hydrologic soil group				
Cover type and hydrologic condition				
A	B	C	D	A v e r a g e p e r c e n t i m p e r v i o u s a r e a
Open space (lawns, parks, golf courses, cemeteries, etc.)				
Poor condition (grass cover <50%).....				
	68	79	86	89
Fair condition (grass cover 50% to 75%).....				
	49	69	79	84
Good condition (grass cover >75%).....				
	39	61	74	80
Impervious areas:				
Paved parking lots, roofs, driveways, etc.				
	(excluding right-of-way)			
	98	98	98	98
Streets and roads:				
Paved; curbs and storm sewers				
	(excluding right-of-way)			
	98	98	98	98
Paved; open ditches (including right-of-way).....				

	83	89	92	93
Gravel (including right-of-way).....	76	85	89	91
Dirt (including right-of-way).....	72	82	87	89
Urban Districts:				
Commercial and business.....	85	89	92	94
Industrial.....	72	81	88	91
			93	
Residential districts by average lot size:				
1/8 acre or less (town houses).....	65	77	85	90
			92	
1/4 acre.....	38	61	75	83
			87	
1/3 acre.....	30	57	72	81
			86	
1/2 acre.....	25	54	70	80
			85	
1 acre.....	20	51	68	79
			84	
2 acres.....	12	46	65	77
			82	

----- Cover description-----

Cover type	Hydrologic condition			
	A	B	C	D
1	1	1	1	1
2	1	1	1	1
3	1	1	1	1
4	1	1	1	1
5	1	1	1	1
6	1	1	1	1
7	1	1	1	1
8	1	1	1	1
9	1	1	1	1
10	1	1	1	1
11	1	1	1	1
12	1	1	1	1
13	1	1	1	1
14	1	1	1	1
15	1	1	1	1
16	1	1	1	1
17	1	1	1	1
18	1	1	1	1
19	1	1	1	1
20	1	1	1	1
21	1	1	1	1
22	1	1	1	1
23	1	1	1	1
24	1	1	1	1
25	1	1	1	1
26	1	1	1	1
27	1	1	1	1
28	1	1	1	1
29	1	1	1	1
30	1	1	1	1
31	1	1	1	1
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34	1	1	1	1
35	1	1	1	1
36	1	1	1	1
37	1	1	1	1
38	1	1	1	1
39	1	1	1	1
40	1	1	1	1
41	1	1	1	1
42	1	1	1	1
43	1	1	1	1
44	1	1	1	1
45	1	1	1	1
46	1	1	1	1
47	1	1	1	1
48	1	1	1	1
49	1	1	1	1
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51	1	1	1	1
52	1	1	1	1
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87	1	1	1	1
88	1	1	1	1
89	1	1	1	1
90	1	1	1	1
91	1	1	1	1
92	1	1	1	1
93	1	1	1	1
94	1	1	1	

Pasture, grassland, or range – continuous	Forage for grazing.			Poor
	68	79	86	89
	49	69	79	84
	39	61	74	80
Meadow – continuous grass, protected from grazing and generally mowed for hay.	30	58	71	78

Brush – brushy-weed-grass mixture with brush				
The major element.	48	67	77	83
	35	56	70	77
	30	48	65	73
Woods – grass combination (orchard or tree				

Farm).	57	73	82	86	Poor
	43	65	76	82	Fair
	32	58	72	79	Good
Woods.	45	66	77	83	Poor
	36	60	73	79	Fair
	30	55	70	77	Good
Farmsteads -- buildings, lanes, driveways,					
And surrounding lots.					
	59	74	82	86	----

(1) United States Department of Agriculture, Urban Hydrology for Small Watersheds, TR-55

APPENDIX A

APPLICATION FOR NEW SEWER CONNECTION PERMIT

L:\AGHALLAK\Kirkland, Town of\Sewer Ordinance - REVISED AS OF 2012 - 3-22-2012.wpd
(revised 4/23/2012)