

**SCREEN-VIEWABLE ORIENTATION**

**RULES AND REGULATIONS  
RELATING TO USE OF THE  
BINGHAMTON-JOHNSON CITY  
JOINT SEWAGE TREATMENT PLANT**

**ISSUED BY:**

**THE BINGHAMTON-JOHNSON CITY  
JOINT SEWAGE BOARD**

**1997**

*(including amendments approved May 8, 2007; August 28, 2012; September 26, 2012; August 27, 2013; April 14, 2015; and July 13, 2021)*

**as in effect September 1, 2021**

*(this page blank intentionally)*

# TABLE OF CONTENTS

	<u>Page</u>
<b>ARTICLE 1</b>	
<b>AUTHORITY, PURPOSE, POLICY, AND ORGANIZATION</b>	
§1.01 Authority . . . . .	1 - 1
§1.02 Purpose and Policy . . . . .	1 - 1
§1.03 Organization . . . . .	1 - 2
<b>ARTICLE 2</b>	
<b>DEFINITIONS</b>	
§2.01 Definitions . . . . .	2 - 1
Average Daily Flow Volume . . . . .	2 - 1
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Average Pollutant Load Design Values . . . . .	2 - 1
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015, and further amended July 13, 2021, effective September 1, 2021)</i>	
Average Wastewater Flow Rate Design Values . . . . .	2 - 1
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015, and further amended July 13, 2021, effective September 1, 2021)</i>	
BMPs or Best Management Practices . . . . .	2 - 2
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Board or Joint Sewage Board . . . . .	2 - 2
BOD (denoting Biochemical Oxygen Demand) . . . . .	2 - 2
Building Drain . . . . .	2 - 2
Building Sewer . . . . .	2 - 2
Chairperson . . . . .	2 - 2
Combined Sewer . . . . .	2 - 2
Composite Sample . . . . .	2 - 2
Conversion Factors . . . . .	2 - 2
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Cooling Water . . . . .	2 - 3
DEC . . . . .	2 - 3
Effluent . . . . .	2 - 3
EPA . . . . .	2 - 3
Federal Act or Act . . . . .	2 - 3
Flow Rate . . . . .	2 - 3
<i>(As amended by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Garbage . . . . .	2 - 3
Grab Sample . . . . .	2 - 3
Holding Tank Waste . . . . .	2 - 3
Indirect Discharge or Discharge . . . . .	2 - 3
Industrial User or User . . . . .	2 - 3
Industrial Waste . . . . .	2 - 3

(continues on the next page)

**TABLE OF CONTENTS**  
**(cont'd)**

	<u>Page</u>
<b>ARTICLE 2 (continued)</b>	
<b>DEFINITIONS (continued)</b>	
§2.01 Definitions (continued)	
Industrial Wastewater . . . . .	2 - 3
Industrial Wastewater Discharge Permit . . . . .	2 - 3
Infiltration . . . . .	2 - 4
<i>(Definition added by amendment approved August 28, 2012, effective January 1, 2013)</i>	
Infiltration/inflow (I/I) . . . . .	2 - 4
<i>(Definition added by amendment approved August 28, 2012, effective January 1, 2013)</i>	
Inflow . . . . .	2 - 4
<i>(Definition added by amendment approved August 28, 2012, effective January 1, 2013)</i>	
Influent . . . . .	2 - 4
Interference . . . . .	2 - 4
Joint Sewage Treatment Plant, Sewage Treatment Plant or Treatment Plant . . . . .	2 - 4
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Major Contributing Industry . . . . .	2 - 4
Mixed-Use . . . . .	2 - 4
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Modified Sewer Connection . . . . .	2 - 5
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Municipal User . . . . .	2 - 5
National Pretreatment Standard or Pretreatment Standard or Standard . . . . .	2 - 5
New Sewer Connection . . . . .	2 - 5
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Non-Residential . . . . .	2 - 5
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Normal Sewage . . . . .	2 - 6
Outside User . . . . .	2 - 6
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Owners . . . . .	2 - 6
Pass Through . . . . .	2 - 6
Peak Hourly Sewage Flow Rate . . . . .	2 - 6
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Person . . . . .	2 - 6
pH . . . . .	2 - 6
Plant Superintendent . . . . .	2 - 6
POTW or Publicly Owned Treatment Works . . . . .	2 - 7
Premises . . . . .	2 - 7
Pretreatment . . . . .	2 - 7
Pretreatment Requirement . . . . .	2 - 7
Private Sewer . . . . .	2 - 7
Public Sewer . . . . .	2 - 7

(continues on the next page)

**TABLE OF CONTENTS**  
**(cont'd)**

	<u>Page</u>
<b>ARTICLE 2 (continued)</b>	
DEFINITIONS <i>(continued)</i>	
§2.01 Definitions <i>(continued)</i>	
RCRA . . . . .	2 - 7
Residential . . . . .	2 - 7
<i>(Definition added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Sanitary Sewer . . . . .	2 - 7
Sanitary Waste . . . . .	2 - 8
Sewage . . . . .	2 - 8
<i>(Definition added by amendment approved August 28, 2012, effective January 1, 2013)</i>	
Sewer . . . . .	2 - 8
Sewer System . . . . .	2 - 8
Shall (is mandatory); May (is permissive) . . . . .	2 - 8
Shredded Garbage . . . . .	2 - 8
Significant Industrial Users . . . . .	2 - 8
Significant Noncompliance . . . . .	2 - 8
<i>(As amended by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Slug Discharge . . . . .	2 - 9
SPDES Permit . . . . .	2 - 9
Storm Sewer . . . . .	2 - 9
Suspended Solids . . . . .	2 - 9
Technical Review Criteria or TRC . . . . .	2 - 10
<i>(As amended by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Toxic Substances . . . . .	2 - 10
TRC – see Technical Review Criteria, <i>above</i> . . . . .	2 - 10
<i>(As amended by amendment approved April 14, 2015, effective June 1, 2015)</i>	
Treatment Plant . . . . .	2 - 10
Unpolluted Water . . . . .	2 - 10
User . . . . .	2 - 10
Wastewater . . . . .	2 - 10
<i>(As amended August 28, 2012, effective January 1, 2013)</i>	
Wastewater Constituents and Characteristics . . . . .	2 - 10
 <b>ARTICLE 3</b>	
GENERAL PROVISIONS	
§3.01 Applications, Requests, and Submissions . . . . .	3 - 1
§3.02 Notices . . . . .	3 - 1
§3.03 Standard Forms . . . . .	3 - 1
§3.04 Special Agreements . . . . .	3 - 1
§3.05 Annual Costs . . . . .	3 - 1
§3.06 Billing and Payment . . . . .	3 - 1
§3.07 Declaratory Opinions, Declaratory Opinions . . . . .	3 - 1
§3.08 Appeals to the Joint Sewage Board . . . . .	3 - 2

*(continues on the next page)*

**TABLE OF CONTENTS**  
**(cont'd)**

	<u>Page</u>
<b>ARTICLE 3</b> <i>(continued)</i>	
§3.09 Proceedings Before the Board; Hearings . . . . .	3 - 2
§3.10 Procedure for Adoption and Amendment of Rules and Regulations . . . . .	3 - 4
§3.11 Publication of Rules and Regulations . . . . .	3 - 5
§3.12 False Statements . . . . .	3 - 5
§3.13 Protection from Damage . . . . .	3 - 5
§3.14 Procedures with Respect to External “Actions” or Requests Involving Coordinated Environmental Review and/or Review under General Municipal Law §§239-L, 239-M and/or 239-NN . . . . .	3 - 5
 <b>ARTICLE 4</b>	
PUBLIC INFORMATION	
§4.01 Designation of Records Access Officer . . . . .	4 - 1
§4.02 Time and Place for Public Inspection . . . . .	4 - 2
§4.03 Requests for Public Access to Records . . . . .	4 - 2
§4.04 Subject Matter List . . . . .	4 - 2
§4.05 Denial of Access to Records . . . . .	4 - 2
§4.06 Fees . . . . .	4 - 3
 <b>ARTICLE 5</b>	
RESTRICTIONS AND LIMITATIONS ON USE OF PUBLIC SEWERS	
§5.01 Prohibited Discharges . . . . .	5 - 1
§5.02 Radioactive Wastes Prohibited . . . . .	5 - 3
§5.03 Limitations on Point of Discharge . . . . .	5 - 3
§5.04 Holding Tank Wastes . . . . .	5 - 3
§5.05 Grease, Oil, and Sand Interceptor . . . . .	5 - 3
§5.06 Dilution Prohibited . . . . .	5 - 3
§5.07 Restricted Discharges . . . . .	5 - 3
<i>(Section amended May 8, 2007, effective May 18, 2007, and further amended July 13, 2021,             effective September 1, 2021)</i>	
§5.08 Standards for the Management of Elemental Mercury and Dental Amalgam Wastes at Dental Facilities . . . . .	5 - 4
<i>(Section added by amendment approved May 8, 2007, effective May 18, 2007)</i>	
 <b>ARTICLE 6</b>	
INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM	
§6.01 Authority . . . . .	6 - 1
§6.02 Registration of Existing Major Contributing Industries . . . . .	6 - 1
§6.03 Hazardous Waste Notification . . . . .	6 - 1
§6.04 Industrial Wastewater Discharge Permits . . . . .	6 - 2
§6.05 Applications for Permits . . . . .	6 - 2
§6.06 Terms and Conditions of Permits . . . . .	6 - 2
§6.07 Draft Permits, Formal Permits . . . . .	6 - 3

*(continues on the next page)*

**TABLE OF CONTENTS**  
**(cont'd)**

	<u>Page</u>
<b>ARTICLE 6</b> <i>(continued)</i>	
INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM <i>(continued)</i>	
§6.08 Modification, Suspension, or Revocation of Permits . . . . .	6 - 3
<i>(Subsection (a) amended August 28, 2012, effective November 1, 2012)</i>	
§6.09 Permit Renewal . . . . .	6 - 3
§6.10 Transfer of Permit . . . . .	6 - 4
§6.11 Wastewater Discharge Report . . . . .	6 - 4
§6.12 Confidential Information . . . . .	6 - 4
§6.13 Monitoring, Surveillance, and Sampling . . . . .	6 - 5
§6.14 Monitoring Facilities . . . . .	6 - 5
§6.15 Pretreatment . . . . .	6 - 5
§6.16 Federal and State Effluent Limitations . . . . .	6 - 6
<i>(Section amended May 8, 2007, effective May 18, 2007)</i>	
§6.17 Notification to Industrial Users . . . . .	6 - 6
§6.18 Slug Discharge . . . . .	6 - 6
§6.19 Notice to Employees . . . . .	6 - 7
§6.20 Inspections . . . . .	6 - 7
§6.21 Analytical Procedures . . . . .	6 - 7
§6.22 Public Notification . . . . .	6 - 8
§6.23 Program Cost Recovery . . . . .	6 - 8
§6.24 Recordkeeping . . . . .	6 - 8
<i>(Section added by amendment approved April 14, 2015, effective June 1, 2015)</i>	
 <b>ARTICLE 7</b>	
INDUSTRIAL WASTEWATER SURCHARGE	
§7.01 Imposition of Surcharge . . . . .	7 - 1
§7.02 Basis for Determination . . . . .	7 - 1
§7.03 Computation of Industrial Wastewater Surcharge . . . . .	7 - 1
§7.04 Volume Determination . . . . .	7 - 2
§7.05 Determination of Pollutant Concentration . . . . .	7 - 2
§7.06 Pollutant Concentration Disputed by a User . . . . .	7 - 3
§7.07 Payment of Industrial Waste Surcharge . . . . .	7 - 3
§7.08 Annual Reporting by Owners of Estimated Debt Retirement Costs for the Upcoming Calendar Year . . . . .	7 - 3
<i>(Section added by amendment approved August 27, 2013, effective November 1, 2013)</i>	
§7.09 Annual Reporting by Owners of Debt Retirement Costs . . . . .	7 - 4
<i>(Section added by amendment approved August 27, 2013, effective November 1, 2013)</i>	
 <b>ARTICLE 8</b>	
FEES	
§8.01 Schedule of Fees . . . . .	8 - 1
§8.02 Application Fee . . . . .	8 - 1
§8.03 Permit Fee . . . . .	8 - 1

**TABLE OF CONTENTS**  
**(cont'd)**

	<u>Page</u>
<b>ARTICLE 9</b>	
PROVISIONS RELATING TO MUNICIPAL USERS	
§9.01 Cooperation Required . . . . .	9 - 1
§9.02 Designation of Liaison Officer . . . . .	9 - 1
§9.03 Notice to Municipal Users . . . . .	9 - 1
§9.04 Notification by Municipal Users . . . . .	9 - 1
§9.05 Amendment of Local Sewer Use Laws . . . . .	9 - 2
§9.06 Filing Local Sewer Use Law . . . . .	9 - 2
§9.07 Annual Reporting of Municipal Wastewater Flows and Rates . . . . .	9 - 2
<i>(as revised by amendment approved August 27, 2013, effective as to years beginning after 2013)</i>	
APPENDIX A – (2022 Form, as Sample) Standard Form for Annual	
Report of Wastewater Flows by Municipal Users . . . . .	9 - 6
§9.08 Estimated Bills . . . . .	9-12
<i>(as revised by amendment approved August 27, 2013, effective as to years beginning after 2013)</i>	
§9.09 Late Payment Penalty . . . . .	9-12
§9.10 Annual Reporting by Municipal Users (including Owners)	
of Estimated Local Systems Costs for the Upcoming Calendar Year . . .	9-12
<i>(Section added by amendment approved August 27, 2013, effective November 1, 2013)</i>	
§9.11 Annual Reporting by Municipal Users (including Owners)	
of Local Systems Costs . . . . .	9-14
<i>(Section added by amendment approved August 27, 2013, effective November 1, 2013)</i>	
 <b>ARTICLE 10</b>	
ENFORCEMENT & PENALTIES	
§10.01 Enforcement Responses . . . . .	10 - 1
§10.02 Civil Penalty . . . . .	10 - 1
§10.03 Judicial Enforcement . . . . .	10 - 1
§10.04 Judicial Review . . . . .	10 - 1
§10.05 Violation, a Misdemeanor . . . . .	10 - 2
§10.06 Civil Liability . . . . .	10 - 2
§10.07 Injunction . . . . .	10 - 2
§10.08 Summary Abatement . . . . .	10 - 2
 <b>ARTICLE 11</b>	
REPEALER, VALIDITY, AND EFFECTIVE DATE	
§11.01 Repealer . . . . .	11 - 1
§11.02 Validity . . . . .	11 - 1
§11.03 Effective Date . . . . .	11 - 1

*(continues on the next page)*

**TABLE OF CONTENTS**  
**(cont'd)**

Page

**ARTICLE 12** *(Article added by amendment approved August 28, 2012, effective November 1, 2012; as amended September 26, 2012, effective November 1, 2012; as further amended April 14, 2015, effective July 1, 2015)*

**NEW OR MODIFIED SEWER CONNECTION APPLICATION PROGRAM**

§12.01 Authority . . . . .	12 - 1
§12.02 Purpose and Goals . . . . .	12 - 1
§12.03 Effective Date . . . . .	12 - 1
§12.04 Definitions . . . . .	12 - 1
§12.05 Program Requirements . . . . .	12 - 5
§12.05.01 Sewer Connection Application . . . . .	12 - 5
§12.05.02 Sewer Extension Engineering Report . . . . .	12 - 6
§12.05.03 New or Modified Sewer Connection Sewage Flow Rates . . . . .	12 - 7
Table 12.05.03-1 New Development Sewage Flow Rates . . . . .	12 - 9
§12.05.04 New or Modified Sewer Connection (Less Than or Equal to 2,500 Gallons per Day) . . . . .	12-13
§12.05.05 New or Modified Sewer Connection (Greater Than 2,500 Gallons per Day) . . . . .	12-13
§12.06 Administrative Procedures . . . . .	12-15
APPENDIX A – Application for New/Modified Sewer Connection Permit . . . . .	A-1 [12-17]

**ARTICLE 13** *(Article added by amendment approved August 28, 2012, effective January 1, 2013; as amended April 14, 2015, effective July 1, 2015)*

**INFILTRATION/INFLOW OFFSET PROGRAM**

§13.01 Authority . . . . .	13 - 1
§13.02 Purpose and Goals . . . . .	13 - 1
§13.03 Effective Date . . . . .	13 - 1
§13.04 Definitions . . . . .	13 - 1
<i>("Default" revised by amendment approved April 14, 2015, effective July 1, 2015)</i>	
§13.05 I/I Offset Program Requirements . . . . .	13 - 4
<i>(as revised by amendment approved April 14, 2015, effective July 1, 2015)</i>	
§13.06 Exemptions from I/I Remediation Projects . . . . .	13 - 5
§13.07 Flow Credits for Past I/I Remediation Projects . . . . .	13 - 6
§13.08 Flow Credit Allocations and Flow Credit Sales . . . . .	13 - 8
§13.09 Applications for New or Modified Sewer Connection(s) and/or Sewer Extension(s) . . . . .	13 - 9
§13.10 New or Modified Sewer Connection Sewage Flow Rates . . . . .	13 - 9
§13.11 Sewer Flow Credit Bank . . . . .	13-10
<i>(as revised by amendment approved April 14, 2015, effective July 1, 2015)</i>	
§13.12 Identifying I/I Remediation Projects . . . . .	13-11
§13.13 Undertaking I/I Remediation Projects . . . . .	13-12
§13.14 I/I Flow Reduction Quantification . . . . .	13-12

*(continues on the next page)*

**TABLE OF CONTENTS**  
**(cont'd)**

	<u>Page</u>
<b>ARTICLE 13</b> <i>(continued)</i>	
<b>INFILTRATION/INFLOW OFFSET PROGRAM</b> <i>(continued)</i>	
Table 13.14-1 Infiltration Guidelines . . . . .	13-13
Table 13.14-2 Inflow Guidelines . . . . .	13-14
Table 13.14-3 Curve Numbers for Use in Runoff Calculations . . . . .	13-14
§13.15 Withdrawing Flow Credits for a New or Modified Connection . . . . .	13-15
<i>(as revised by amendment approved April 14, 2015, effective July 1, 2015)</i>	
§13.16 Periodic Auditing Requirements . . . . .	13-16
§13.17 Record-Keeping Requirements . . . . .	13-17
§13.18 Reporting Requirements – Municipal Users . . . . .	13-17
§13.19 Reporting Requirements – The Board . . . . .	13-17
§13.20 Administrative Procedures . . . . .	13-18
MAP Infiltration/Inflow Remediation Basins . . . . .	13-19
APPENDIX A – Municipal User Certification Letter Format . . . . .	13-20
 <b>ARTICLE 14</b> <i>(Article added by amendment approved August 28, 2012, effective January 1, 2013;</i> <i>as amended April 14, 2015, effective July 1, 2015)</i>	
<b>CAPACITY, MANAGEMENT, OPERATION AND MAINTENANCE (CMOM)</b>	
<b>PROGRAM</b>	
§14.01 Authority . . . . .	14 - 1
§14.02 Purpose and Goals . . . . .	14 - 1
§14.03 Effective Date . . . . .	14 - 2
§14.04 Schedule and General Requirements . . . . .	14 - 2
§14.05 Definitions . . . . .	14 - 2
§14.06 Program Requirements . . . . .	14 - 6
§14.06.01 Annual Sewer Capital Improvement Plan . . . . .	14 - 6
§14.06.02 Sewer System Capacity Evaluation . . . . .	14 - 6
§14.06.03 Sewer System Management . . . . .	14 - 7
§14.06.04 Sewer System Operation . . . . .	14 - 9
§14.06.05 Equipment and Sewer System Maintenance . . . . .	14-12
§14.07 Reporting Requirements . . . . .	14-12
§14.08 Administrative Procedures . . . . .	14-13

## **ARTICLE 1**

### **AUTHORITY, PURPOSE, POLICY, AND ORGANIZATION**

#### **§1.01 AUTHORITY**

Under the authority of Section 17 of Agreement Number 1, dated July 14, 1965, establishing the Joint Sewer Project, and pursuant to Article 5G of the New York General Municipal Law and Section 3.03(b)1 of the Binghamton-Johnson City Joint Sewage Treatment Plant Law, the following Rules and Regulations are hereby promulgated by the Binghamton-Johnson City Joint Sewage Board. These Rules and Regulations pertain to the discharge of stormwater, well water, groundwater, cooling water, unpolluted water, industrial wastewater, sewage and other wastewaters to the jointly-owned wastewater collection and treatment system.

#### **§1.02 PURPOSE AND POLICY**

It is the policy of the Joint Sewage Board to set uniform requirements for discharges into the public sewers served by the Binghamton-Johnson City wastewater collection and treatment system as a means of enabling the Board to comply with the requirements of the Federal Act and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the jointly-owned wastewater collection and treatment system. The purpose of these Rules and Regulations are as follows:

- (a) To control discharges into the POTW and any tributaries thereto, and into the POTW Treatment Plant;
- (b) To prohibit the discharge of:
  - 1. excessive volumes and/or inordinate rates of flow into the POTW; and
  - 2. sewage, industrial wastes or other wastes, including industrial waste which may create in any way a poisonous, hazardous, explosive, flammable, or toxic condition for sewage maintenance and/or operation personnel, or operating or maintenance difficulties in the POTW and the POTW treatment plant;
- (c) To prohibit and/or regulate by permit the discharge of sewage, industrial wastes, or other wastes which require greater expenditures for treatment than those required for equal volumes of "Normal Sewage"; to surcharge users for permitted contributions requiring treatment costs greater than "Normal Sewage" charges;
- (d) To require the treatment, before introduction into any sewer served by the POTW treatment plant, of such wastes as may otherwise impair the strength and/or durability of the structures appurtenant to the system, by direct or indirect chemical, biological or physical action; interfere with the normal treatment processes, pass through the

*(continues on the next page)*

sewage treatment plant into the receiving waters untreated or only partially treated, or of such concentration as may exceed established discharge limits or interfere with proper disposal of sludge generated by the treatment plant;

- (e) To provide cooperation with the Broome County Department of Health, New York State Department of Environmental Conservation (NYSDEC), New York State Department of Health, United States Environmental Protection Agency, and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and/or bacteriological quality of watercourses within the geographical area served by the POTW;
- (f) To protect the public health and to prevent nuisances;
- (g) To enforce promulgated final standards and/or procedures set by the New York State Department of Environmental Conservation or the United States Environmental Protection Agency.

### **§1.03 ORGANIZATION**

- (a) The Joint Sewage Board

The Binghamton-Johnson City Joint Sewage Board shall, consistent with the provisions of the Binghamton-Johnson City Joint Sewage Treatment Plant Law, be responsible for the operation and administration of the Binghamton-Johnson City Joint Sewage Treatment Facility and for carrying out the policy of the Owners of the facility in accordance with the agreement between the Owners.

- (b) Pretreatment Program Manager

There is hereby established the position of Pretreatment Program Manager of the Binghamton-Johnson City Joint Sewage Treatment Plant (hereafter referred to as "Manager"). The Manager shall, through the Plant Superintendent, be responsible to the Board for the implementation of rules, regulations, and policy for the operation and management of the Binghamton-Johnson City Joint Sewage Treatment Plant Pretreatment Program. In so doing the Manager under the direction and supervision of the Plant Superintendent, shall have the power to:

1. Promote and provide for the prevention and abatement of harmful discharges into any sewer served by the Binghamton-Johnson City Joint Sewage Treatment Plant;
2. Issue draft permits, modify, and suspend or revoke wastewater discharge permits in accordance with Article 6;
3. Establish a program for inspecting, sampling, and monitoring the wastewater discharges of industrial users to assure compliance with applicable local, state, and federal requirements;

*(continues on the next page)*

4. Investigate and remedy any suspected instances of non-compliance with applicable local requirements;
5. Supervise and manage personnel, develop budgets, submit reports, and do such other administrative acts as may be required from time to time by the Joint Sewage Board;
6. Coordinate efforts of the Joint Sewage Board and the City of Binghamton and the Village of Johnson City regarding industrial wastewater pretreatment;
7. Coordinate efforts between the Joint Sewage Board and the outside municipal users regarding industrial wastewater pretreatment; and
8. Promote the activities of the Binghamton-Johnson City Joint Sewage Treatment Plant to assure its use, operation, and preservation consistent with the policy and purposes of the Owners.

*(this page blank intentionally)*

## ARTICLE 2

### DEFINITIONS

#### §2.01 DEFINITIONS

Unless otherwise defined herein, technical terms shall be as defined in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Health Association, the American Water Works Association, and the Water Pollution Control Federation. Whenever used in the Rules and Regulations, unless otherwise expressly stated or required by subject matter or context:

**Average Daily Flow Volume** shall mean the arithmetic mean of the daily volume of wastewater discharged through a property's sewer connection for a continuous 12-month period expressed as a volume per 24 consecutive hours of time. However, for properties or facilities having seasonal high hydraulic discharge periods (for example, educational campuses, industrial facilities, and weekend or seasonal recreational or service facilities), average daily flow volume shall be based on the arithmetic mean of the daily volume of wastewater discharged during the seasonal high period.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Average Pollutant Load Design Values** of each unit process at the Treatment Plant are as described and set forth in the right-hand column of Table 2-1 in Chapter 2 (Influent Flows and Loads) of the March 13, 2015 revision to the December 2014 *Engineering Report* of GHD Consulting Services, Inc. for the *Binghamton-Johnson City Joint Sewage Treatment Plant Restoration and Rehabilitation*, certified by Michael E. Tamblin, P.E. (N.Y.S.P.E. License No. 073737), including the following:

- 32,000 pounds per day average daily design influent load of Carbonaceous Biochemical Oxygen Demand (CBOD) to the Treatment Plant;
- 31,000 pounds per day average daily design influent load of Total Suspended Solids (TSS) to the Treatment Plant;
- 4,300 pounds per day average daily design influent load of Total Kjeldahl Nitrogen (TKN) to the Treatment Plant; and
- 4,300 pounds per day average daily design influent load of Total Nitrogen (TN) to the Treatment Plant.

The referenced Chapter 2 may be viewed/downloaded at

URL: <[http://www.bjcwntp.com/sites/default/files/ExcerptOfChapter2\\_InfluentFlowsAndLoads.pdf](http://www.bjcwntp.com/sites/default/files/ExcerptOfChapter2_InfluentFlowsAndLoads.pdf)>.

*(As added by amendment approved April 14, 2015, effective June 1, 2015, and further amended July 13, 2021, effective September 1, 2021)*

**Average Wastewater Flow Rate Design Values** of each unit process at the Treatment Plant are as described and set forth in the right-hand column of Table 2-1 in Chapter 2 (Influent Flows and Loads) of the March 13, 2015 revision to the December 2014 *Engineering Report* of GHD Consulting Services, Inc. for the *Binghamton-Johnson City Joint Sewage Treatment Plant*

*Restoration and Rehabilitation*, certified by Michael E. Tamblin, P.E. (N.Y.S.P.E. License No. 073737), including the following:

- 24.0 million gallons per day (MGD) average daily influent design flow for the Treatment Plant.

The referenced Chapter 2 may be viewed/downloaded at

URL: <[http://www.bjcwtp.com/sites/default/files/ExcerptOfChapter2\\_InfluentFlowsAndLoads.pdf](http://www.bjcwtp.com/sites/default/files/ExcerptOfChapter2_InfluentFlowsAndLoads.pdf)>.

*(As added by amendment approved April 14, 2015, effective June 1, 2015, and further amended July 13, 2021, effective September 1, 2021)*

**BMPs or Best Management Practices** shall mean schedules of activities, prohibitions of actions, maintenance procedures, asset management, and other supervisory protocols to prevent or reduce the pollution of waters of the State. BMPs also include Pretreatment Requirements, operating procedures, and actions to control site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw material storage.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Board or Joint Sewage Board** shall mean the Binghamton-Johnson City Joint Sewage Board, established under the contract between the City of Binghamton and the Village of Johnson City for the operation of a joint wastewater treatment facility. The term includes any duly authorized designee, agent, or representative of the Board.

**BOD** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

**Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins five feet (1.5 meters) outside the inner face of the building wall.

**Building Sewer** shall mean the extension from the building drain to the public sewer or other place of disposal.

**Chairperson** shall mean the Chairperson of the Binghamton-Johnson City Joint Sewage Board.

**Combined Sewer** shall mean a sewer intended to receive storm and surface water as well as wastewater.

**Composite Sample** shall mean a combination of individual samples of wastewater taken at selected intervals, generally hourly, for a specified period. Individual samples may have equal volume or may be proportioned to the flow at the time of sampling.

**Conversion Factors** shall mean the schedule set forth in Appendix B to the *Design Standards for Intermediate Sized Wastewater Treatment Systems (2014)* released by the New York State Department of Environmental Conservation March 5, 2014 (*see*, page 223 [Appendix B-1] at: <[http://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf)>) or any amendment or revision thereto. The applicable conversion factor[s] shall be used in any computation required under

these rules and regulations, specifically including computations made under Articles 7, 9, 12, and 13.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Cooling Water** shall mean the water discharges from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce BOD or Suspended Solids each in excess of ten milligrams per liter.

**DEC** shall mean New York State Department of Environmental Conservation.

**Effluent** shall mean treated wastewater flowing from any treatment device or facility.

**EPA** shall mean the United States Environmental Protection Agency.

**Federal Act or Act** shall mean the 1972 Federal Water Pollution Control Act Amendments, Public Law 92-500, and the 1977 Clean Water Act, Public Law 95-217, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the EPA pursuant to the Act.

**Flow Rate** shall mean the quantity of liquid and/or wastewater discharged through a property's sewer connection during a specified period, expressed as a volume per unit of time, except as otherwise specifically defined in any Article of these rules and regulations with respect to such Article.

*(As amended by amendment approved April 14, 2015, effective June 1, 2015)*

**Garbage** shall mean animal and vegetable wastes from the preparation, cooking, and disposing of food; and from the handling, processing, storage, and sale of food products and produce.

**Grab Sample** shall mean a single sample of wastewater taken at neither a set time nor flow rate.

**Holding Tank Waste** shall mean any sanitary waste from holding tanks such as marine vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

**Indirect Discharge or Discharge** shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.

**Industrial User or User** shall mean a source of Indirect Discharge.

**Industrial Waste** shall mean any discarded matter including any liquid, gaseous or solid substance, or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from development or recovery of natural resources. The term shall not include garbage.

**Industrial Wastewater** shall mean wastewater in which industrial wastes are carried.

**Industrial Wastewater Discharge Permit** shall mean a permit issued by the Board, authorizing the user to deposit or discharge industrial wastewater into any public sewer served by the Binghamton-Johnson City Joint Sewage Treatment Plant.

**Infiltration** shall mean water, other than sewage, that enters a sewage collection system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, Inflow.

*(As added by amendment approved August 28, 2012, effective January 1, 2013)*

**Infiltration/inflow (I/I)** shall mean the total quantity of water from both Infiltration and Inflow, without distinguishing the source.

*(As added by amendment approved August 28, 2012, effective January 1, 2013)*

**Inflow** shall mean water, other than sewage, that enters a sewage collection system (including sewer service connections) from sources such as roof leaders, cellar drains, sump pumps, missing or defective cleanout caps, swimming pools, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between stormwater sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, Infiltration.

*(As added by amendment approved August 28, 2012, effective January 1, 2013)*

**Influent** shall mean wastewater, raw or partly treated, flowing into any sewage treatment device or sewage treatment facilities.

**Interference** shall mean the inhibition or disruption of the POTW treatment processes or operations or its sludge processes, use or disposal. The term includes any action which contributes to a violation of any requirement of the Joint Sewage Board's SPDES Permit or which results in the prevention of sewage sludge reuse, reclamation, or disposal by the POTW in accordance with §405 of the Act (33 USC 1345), 40 CFR Part 503, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, or any more stringent state criteria or local regulations applicable to the method of disposal or use employed by the POTW.

**Joint Sewage Treatment Plant, Sewage Treatment Plant or Treatment Plant** shall mean the Binghamton-Johnson City Joint Sewage Treatment Plant, including all facilities, buildings, structures, equipment, appurtenances and land owned jointly by the City of Binghamton and the Village of Johnson City, wherever located, in accordance with agreements between the owners, for the express purpose of providing adequate conveyance, treatment and disposal of sewage and wastewater.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Major Contributing Industry** shall mean all significant Industrial Users and any other industries having a wet process discharge to the sewer system.

**Mixed-Use**, in relation to a parcel of real property, shall have the same meaning as ascribed by the Municipal User's zoning ordinance or, if not expressly defined therein, shall mean a property on which is located at least one "Residential" use and at least one "Non-Residential" use sharing the same sewer connection to the Municipal User's public sewer.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Modified Sewer Connection** shall mean the result of construction to physically alter an existing sewer connection to a public sewer (regardless of whether such public sewer is owned or controlled by an Owner, Outside User, or other governmental agency) which is tributary to the Treatment Plant.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Municipal User** shall mean a municipality which owns, or has jurisdiction over, any public sewer which conveys wastewater to the Binghamton-Johnson City Joint Sewage Treatment Plant.

**National Pretreatment Standard or Pretreatment Standard or Standard** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

**New Sewer Connection** shall mean the result of construction of a new sewer pipe to serve a property, plumbed so as to discharge into a public sewer (regardless of whether such public sewer is owned or controlled by an Owner, Outside User, or other governmental agency) which is tributary to the Treatment Plant at a point in the public sewer where no connection serving the property previously existed.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Non-Residential**, in relation to a parcel of real property, shall have the same meaning as ascribed by the Municipal User's zoning ordinance or, if not expressly defined therein, shall mean any use of land, buildings, and/or structures or portions thereof not designed or intended to be used as living quarters for human habitation with continuity of occupancy; to the extent permitted by a Municipal User's ordinances, examples include: retail, bulk and wholesale sales establishments, markets and shopping stores of all types; food service; beverage service; food baking, manufacturing, processing and/or packaging; beverage brewing and/or bottling; fuel sales and service stations; offices, professional services, commercial, banking, financial, insurance, personal services, laundry and dry cleaning establishments; vehicle washing, maintenance and/or repair; publishing, manufacturing, textile/clothing mills, machine shop, industrial, chemical and materials handling and/or processing enterprises; business incubators; medical, hospital, rehabilitation, therapy, and/or convalescent care facilities; veterinary medicine services, animal hospitals, animal shelters, zoos and nature conservancies; agriculture, farming, and animal husbandry other than for use or consumption on the property itself; agribusiness, sawmills, campsites; building and construction contracting (including building material and equipment yards); storage, warehousing, shipping and/or transportation, vehicle and equipment rental, parking lots or parking garages (other than as an accessory use to a principal residential use on the same or an adjacent parcel); airport/heliport, bus, train and other public transportation terminals or stations; educational, religious, cultural facilities, public assembly, fine arts (including performing arts), museums, planetariums, libraries, entertainment, amusement, recreation, civic or not-for-profit/charitable institutions; research, development, experimental and/or testing laboratories; lodging, bed-and-breakfast establishments, day care (child and/or adult), community centers, clubs/lodges, conference centers; governmental, municipal, public utility, telecommunications, transmitting/receiving antenna towers, recycling facilities and solid

*(continues on the next page)*

waste transfer stations, landfills/junkyards; drilling, extractive and/or mining operations; billboards and detached signs; but “Non-Residential” use shall not include space devoted to a permitted “home occupation” accessory to a principal residential use.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Normal Sewage** shall mean sewage, industrial wastes, or other wastes having pollutant concentrations which do not exceed 240 mg/1 of BOD<sub>5</sub>, 300 mg/1 of TSS or 50 mg/1 of Oil and Grease and which is otherwise acceptable for discharge into the POTW under the terms of these Rules and Regulations. The numbers and values of characteristics are subject to revision by the Joint Sewage Board when, in the opinion of the Board, a revision is necessary in order to (a) maintain the physical integrity of the POTW; or (b) maintain the treatment works capability of providing treatment in compliance with federal, state, and local standards.

**Outside User** shall mean a Municipal User in contractual relationship with the Owners under a written agreement substantially in the form of the *Standard Agreement for Treatment of Sewage from Outside Users* annexed as Appendix A to Inter-Municipal Agreement No. 2 between the Owners (dated December 7, 1967) for the Binghamton-Johnson City Joint Sewage Project, or any successor agreement or extension thereof. Additionally, with respect to Articles 12, 13, and 14 of these rules and regulations, Binghamton University of the State University of New York (“SUNY”) system, the Town of Conklin, and the Town of Vestal are considered to be Outside Users.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Owners** shall mean the City of Binghamton and the Village of Johnson City, the municipalities which own the Binghamton-Johnson City Joint Sewage Treatment Plant and which have jurisdiction over the indirect discharges to, and the discharges from, the Binghamton-Johnson City Joint Sewage Treatment Plant.

**Pass Through** shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

**Peak Hourly Sewage Flow Rate** shall mean the largest volume of sewage discharged through a property's sewer connection during a consecutive 60-minute period within a longer consecutive sampling period (for example, a day [24 consecutive hours], week [seven consecutive days], or month [30 consecutive days]) expressed as a volume per hour per sampling period.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Person** shall mean any individual, firm, company, partnership, association, private or public corporation, political subdivision, governmental agency, municipality, industry, trust, estate, or any other legal entity whatsoever.

**pH** shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

**Plant Superintendent** shall mean the Wastewater Treatment Plant Superintendent of the Binghamton-Johnson City Joint Sewage Treatment Plant.

**POTW or Publicly Owned Treatment Works** shall mean the Binghamton-Johnson City Joint Sewage Treatment Plant. This term also includes any devices or systems used in the storage, treatment, cycling, and reclamation of municipal sewage or industrial wastes of liquid nature by the Binghamton-Johnson City Joint Sewage Treatment Plant. This includes intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including stormwater run-off, or industrial waste, including waste in combined stormwater and sanitary sewer systems.

**Premises** shall mean any parcel of real property including land, improvements, or appurtenances or building, grounds, etc.

**Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the POTW.

**Pretreatment Requirement** shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

**Private Sewer** shall mean a sewer which is not owned or controlled by a public agency.

**Public Sewer** shall mean a sewer which is owned or controlled by a governmental agency. This term includes any devices or systems used by the governmental agency in the storage, transmission, treatment, or reclamation of municipal sewage or industrial wastes.

**RCRA** shall mean the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), (Pub. L. 94-580, as amended by Pub. L. 95-609 and by Pub. L. 96-482; 42 USC 6091).

**Residential**, in relation to a parcel of real property, shall have the same meaning as ascribed by the Municipal User's zoning ordinance or, if not expressly defined therein, shall mean a use of land containing a building or portion thereof designed to be used primarily as living quarters for human habitation with continuity of occupancy and having complete housekeeping facilities on the premises for the activities of daily living, sleeping, cooking, bathing and toileting; to the extent permitted by a Municipal User's ordinances, examples include: one-, two-, three-, and multi-family dwellings; mobile or manufactured homes; as well as higher-density developments such as rooming houses, boarding houses, dormitories, apartments, townhouses, condominiums, group homes, group care facilities, custodial care facilities, assisted-living facilities, and nursing homes; any of which may also contain private kennels, garages and/or parking areas and permitted home occupations accessory to the principal residential use.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Sanitary Sewer** shall mean a sewer intended to carry only sanitary or sanitary and industrial

wastewater from residences, commercial buildings, industrial plants, and institutions.

**Sanitary Waste** shall mean wash water, culinary wastes, the liquid waste containing only human excreta, and similar matter, flowing in or from a building drainage system or sewer originating in a dwelling, business building, factory, or institution.

**Sewage** shall mean the water-carried domestic, human, or animal waste, together with industrial and commercial waste, from residences, buildings, industrial and commercial establishments, or other places. Neither infiltration nor inflow are components of “sewage”.

*(As added by amendment approved August 28, 2012, effective January 1, 2013)*

**Sewer** shall mean a pipe or conduit for carrying wastewater; the term includes sanitary sewers and combined sewers.

**Sewer System** shall mean all sewers, laterals, pump stations, treatment plant, or other conveyances which connect with or pertain to a connection with the sewers, plant, or public works.

**Shall** is mandatory; **May** is permissive.

**Shredded Garbage** shall mean garbage shredded to such a degree that all particles will be carried freely under slow conditions normally prevailing in public sewers, with no particle having any dimension greater than one-half inch.

**Significant Industrial Users** are defined as those industries meeting one or more of the following criteria: 1) All industrial facilities subject to promulgated federal categorical pretreatment standards; 2) Industrial facilities having a reasonable potential to affect the POTW operation, either singly or in combination with other industrial facilities, on the operation of the treatment works; 3) A single industrial facility using, on an annual basis, more than 10,000 pounds or 1,000 gallons of any substance constituting a priority pollutant (designated pursuant to the Act) and discharging a measurable amount of that substance to the sewer system from the process using that substance; 4) Those industries discharging an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); contributes a process waste Stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or more than one percent of the load of conventional pollutants tributary to the treatment plant receiving the waste; 5) All industries discharging heavy metals in any quantity or priority pollutants in any amount where the Board determines that the discharge of such materials into the sewer system may have significant impact on the POTW.

**Significant Noncompliance** shall mean a violation which meets one or more of the following criteria:

- 1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Pretreatment Requirement, including instantaneous limits for the same pollutant parameter;

*(continues on the next page)*

- 2) 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 equal or exceed the product of the numeric Pretreatment Standard or Pretreatment Requirement, including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD; TRC = 1.4 for Total Suspended Solids [TSS]; TRC = 1.4 for fats, oil, and grease; and TRC = 1.2 for all other pollutants, except pH);
- 3) Any other violation of a pretreatment effluent limit (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Board determines has caused, alone or in combination with other discharges, interference, upset, or pass through (including endangering the health of POTW personnel or the general public);
- 4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- 5) 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;
- 6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, periodic self-monitoring reports, and/or reports on compliance with compliance schedules;
- 7) Failure to accurately report noncompliance; and/or
- 8) Any other violation or group of violations, including a violation of Best Management Practices, which the Board determines will adversely affect the operation or implementation of the local pretreatment program.

*(As amended by amendment approved April 14, 2015, effective June 1, 2015)*

**Slug Discharge** shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental or intentional spill or a non-customary batch discharge.

**SPDES Permit** shall mean a wastewater discharge permit issued by the DEC under the State Pollutant Discharge Elimination System.

**Storm Sewer** shall mean a sewer intended to carry only storm waters, surface run-off, street washwaters, and/or drainage exclusive of sanitary wastes.

**Suspended Solids** shall mean the total suspended matter in water or wastewater, as determined by Standard Methods.

*(continues on the next page)*

**Technical Review Criteria** or **TRC** shall mean:

- 1.4 for BOD;
- 1.4 for Total Suspended Solids [TSS];
- 1.4 for fats, oil, and grease; and
- 1.2 for all other pollutants and parameters, except pH.

For further context, refer to subparagraph 2 in the definition of “Significant Noncompliance”.

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Toxic Substances** shall mean any substances whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient amounts may tend to interfere with any sewage treatment process, constitute a hazard to the receiving waters of the effluent from the sewage treatment plant, pose a hazard to sewer maintenance personnel, or constitute a hazard to animal life or inhibit aquatic life. This definition includes, but is not limited to, EPA Priority Pollutants.

**TRC** – see **Technical Review Criteria**, above

*(As added by amendment approved April 14, 2015, effective June 1, 2015)*

**Treatment Plant** shall mean the Binghamton-Johnson City Joint Sewage Treatment Plant (*see*, “**Joint Sewage Treatment Plant**”, above).

**Unpolluted Water** shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

**User** shall mean any person who contributes, causes, or permits the contribution of wastewater into the POTW including the Binghamton-Johnson City Joint Sewage Treatment Plant.

**Wastewater** is the composite of all flow constituents conveyed in a sewer including sewage and infiltration and inflow.

*(As amended August 28, 2012, effective January 1, 2013)*

**Wastewater Constituents and Characteristics** shall mean the individual chemical, physical, bacteriological, and radiological parameters including volume, flow rate, and such other parameters that serve to define, classify and measure the contents, quality, quantity, and strength of wastewater.

## **ARTICLE 3**

### **GENERAL PROVISIONS**

#### **§3.01 APPLICATIONS, REQUESTS, AND SUBMISSIONS**

Applications, requests, and submissions shall be filed with the manager who will review and forward the items to the appropriate branch within his organization for action.

#### **§3.02 NOTICES**

Any notice required to be given to the Board may be made to the Manager at his/her office at the Binghamton-Johnson City Joint Sewage Treatment Plant, Old Vestal Road, Vestal, New York.

#### **§3.03 STANDARD FORMS**

Applications, permits, registrations, and reports shall be in such form as prescribed by the Board. Standard Forms and instructions may be obtained at the office of the Manager.

#### **§3.04 SPECIAL AGREEMENTS**

Nothing in these Rules and Regulations shall be construed as preventing any special agreement or arrangement between the Joint Board and any User of the wastewater facilities whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The Board shall not accept any discharge prohibited by state or federal law.

#### **§3.05 ANNUAL COSTS**

The Joint Sewage Board by resolution shall annually establish capital costs and operating and maintenance costs for the Binghamton-Johnson City Joint Sewage Treatment Plant. The Board shall certify these costs to the Common Council of the city of Binghamton and the Village Board of the village of Johnson City.

#### **§3.06 BILLING AND PAYMENT**

The manner of paying bills for service, penalties for nonpayment, deposit and other related matters shall be in conformance with those established by these Rules and Regulations and by the applicable agreement(s) between the Owner(s) and any outside municipality.

#### **§3.07 DECLARATORY OPINIONS, DECLARATORY RULINGS**

Any interested person may petition the manager for a declaratory opinion relating to any rule, order, policy, or interpretation used by the manager in the discharge of his/her

functions. A petition to the manager for a declaratory opinion shall be acknowledged within ten days. The manager may state his/her opinion of the petitioner's position and the policy of his/her office. The Joint Sewage Board shall be informed of all opinions prior to issuance of said opinions. Such opinions are not binding on the Joint Sewage Board, but may be reviewed, with notice, by the Board upon request of any party or upon the Board's initiative. After review, the Joint Sewage Board shall issue a declaratory ruling to be filed with the manager. The manager shall compile, index, and publish all such rulings.

### **§3.08 APPEALS TO THE JOINT SEWAGE BOARD**

Any person aggrieved by a determination or order of the manager may request that the Board review the manager's actions. Requests for Board review shall be in writing and shall be made within 15 days of the action complained of. The request shall be filed with the manager and with the Board and shall contain a short and plain statement of the matters asserted and the relief being sought. No later than 30 days after receipt of a request for review, the Board shall schedule an adjudicatory hearing to be held in accordance with the procedures set forth in Article 3.09. A special meeting of the Board may be called by the Chairperson upon the filing of the request for review, and the Board may, in its discretion, suspend the operation of the order or determination of the manager complained of until such time as the Board has acted upon the appeal.

The Board shall review and evaluate all appeals, and in making any decisions, it shall give due consideration to such factors as it deems appropriate for effectuating the policy and purpose of these Rules and Regulations. For appeals taken pursuant to §6.07(b) of these Rules and Regulations, the Board shall also take into consideration cost effectiveness and the economic impact upon the user of the proposed Board action.

### **§3.09 PROCEEDINGS BEFORE THE BOARD; HEARINGS**

- (a) The manager may, on his/her own motion, investigate or make inquiry in a manner to be determined by him/her, as to any condition affecting the POTW and as to any alleged act or omission or failure to comply with any provision of these Rules and Regulations and any permit, order, or determination issued thereunder.
- (b) Whenever it shall appear to the manager, after investigation, that there has been violation of any of the provisions of these Rules and Regulations or any permit issued thereunder, he/she shall give written notice to the alleged violator or violators setting forth any thing or act done or omitted to be done or claimed to be in violation of any such provisions, and requiring that the matters complained of be corrected, or that the alleged violator appear in person or by attorney before the Board or its duly designated representative, at the time and place in said notice specified, and answer the charges complained of.
- (c) At least 15 days notice of such hearing shall be given.
- (d) Upon the return day of such notice the person so notified shall file with the Board a statement setting forth the position of the person so notified, the answer, if any, to the charges made against him; the methods, practices, and procedures, if any, which are

being taken to correct each alleged violation; and any other defenses or information pertinent to the case, including the economic impact of any. proposed Board action. Pertinent and relevant testimony of witnesses shall be received in support of or opposition to said statement. Failure to file a statement shall be treated as a default in appearance.

- (e) Following a hearing and after due consideration of the written and oral statements, and testimony and arguments filed pursuant to subdivision (4) above, or on default in appearance on said return day, the Board may issue and enter such final order or make such final determination as it deems appropriate under the circumstances, and shall notify such person or persons thereof in writing, personally, or by registered mail within 20 days after completion of hearing. Where a person appears by attorney, service by mail upon the person's attorney shall be sufficient.
- (f) The Board may issue subpoenas and administer oaths in connection with any hearing or investigation under or pursuant to the provisions of this article, and it shall be the duty of the Board to issue subpoenas at the request of and upon behalf of the respondent.
- (g) The Board shall not be bound by laws of evidence in the conduct of hearing proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it.
- (h) Notice of hearing shall be served at least 15 days prior to the date of the hearing, provided that, whenever because of danger to the public health, safety or welfare, it appears prejudicial to the public interest to delay action for 15 days, the Board may serve the respondent with an order requiring certain action or the cessation of certain activities immediately or within a specified period of less than 15 days and the Board shall provide an opportunity to be heard within 15 days after the date the order is served.
- (i) Service of notice of hearing or order shall be made by personal service or by registered or certified mail. Where service, whether by personal service or by registered or certified mail, is made upon an infant, incompetent, partnership, corporation, governmental subdivision, board, or commission, it shall be made upon the person or persons designated to receive personal service by Article 3 of the Civil Practice Law and Rules.
- (j) The Board's attorney may prefer charges, attend hearings, present the facts, and take any and all proceedings in connection therewith.
- (k) At a hearing, the respondent may appear personally, shall have the right of counsel, and may cross-examine witnesses against him and produce evidence and witnesses in his behalf.
- (l) A record, or summary thereof, of the proceedings of said hearings shall be made and filed with the Board. If requested to do so by any interested party concerned with said hearing, full stenographic notes of the testimony presented at said hearing shall be taken and filed. The stenographer shall furnish a certified transcript of the record to any party requesting and paying for same.
- (m) Unless precluded by law, disposition may be made of any hearing by stipulation, agreed

settlement, consent order, default, or other informal method. Within ten days of the notice specified in §3.09(b) the User may request a prehearing conference with the Board's representative for an informal disposition of any or all charges.

- (n) Upon request made by any party upon the Board within a reasonable time, but prior to the time for commencement of judicial review, of its giving notice of its decision, determination, opinion or order, the Board shall prepare the record together with any transcript of proceedings within a reasonable time and shall furnish a copy of the record and transcript or any part thereof to any party as he may request. Except when any law provides otherwise, the Board is authorized to charge not more than its cost for the preparation and furnishing of such record or transcript or any part thereof, or the rate specified in the contract between the Board and a contractor if prepared by a private contractor.
- (o) Upon application of any affected User, the Board may modify or amend any determination after a hearing.

### **§3.10 PROCEDURE FOR ADOPTION AND AMENDMENT OF RULES AND REGULATIONS**

- (a) The Joint Sewage Board prior to the adoption, amendment, or repeal of any Rule or Regulation shall:
  - (1) Publish notice at least ten days prior to the intended action. Notice shall include a statement of either the terms or substance of the intended action or a description of subjects and issues involved, and the time, place, and manner in which interested persons may present their views.
  - (2) Afford all interested parties reasonable opportunity to submit data, views, or arguments orally or in writing. Reasons for adoption and refusal of the proposed rule as well as the decision of the Joint Sewage Board shall be recorded and available for public inspection.
  - (3) Within 15 days after Board action, file a certified copy of each such amendment to the Rules and Regulations with the City Council and the Village Board of Trustees for approval. In the event that no action is taken by the City Council and the Village Board of Trustees within 30 days, the proposed amendment shall be deemed approved. When either the City Council or the Village Board of Trustees disapproves a proposed amendment to the Rules and Regulations, then a meeting shall be convened between the Board and the Owners to resolve any disagreement.
- (b) The rule or regulation, or amendment or repeal thereof, shall be effective ten days after approval, except if the rule is adopted under the emergency procedures of Subsection (c), then it shall be effective upon adoption by the Board.
- (c) If the Board determines that emergency action is required, the Board may waive the provisions of Subsection (a) above and proceed to adopt an emergency rule. The emergency rule shall be effective for a period not exceeding 120 days unless it is readopted in accordance with Subsection (a) above.

### §3.11 PUBLICATION OF RULES AND REGULATIONS

The Joint Sewage Board shall compile, index, and publish all effective Rules and Regulations. The compilation shall be supplemented as often as necessary.

### §3.12 FALSE STATEMENTS

No person shall knowingly make any false statements or representations in any application, report, or other document required to be filed pursuant to any provision of these Rules and Regulations.

### §3.13 PROTECTION FROM DAMAGE

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the POTW.

### §3.14 PROCEDURES WITH RESPECT TO EXTERNAL “ACTIONS” OR REQUESTS INVOLVING COORDINATED ENVIRONMENTAL REVIEW AND/OR REVIEW UNDER GENERAL MUNICIPAL LAW §§239-L, 239-M, AND/OR 239-NN *(As added April 14, 2015, effective June 1, 2015)*

(a) Background.

- (1) From time to time the Joint Sewage Board (“Board”) is either an “involved party” or otherwise requested or required to participate in reviews of “actions” of other entities or bodies under the *New York State Environmental Quality Review Act* or the *New York General Municipal Law* §§239-l, 239-m, and/or 239-nn, and
- (2) the Board has adopted a *Flow Management Plan*, approved by the New York Department of Environmental Conservation, with corresponding regulations applicable to “new or modified sewer connections” (*see generally*, Article 12 of these rules and regulations); and
- (3) the Board seeks to ensure that consistent, uniform and clear procedures are followed in all review processes involving external “actions” or requests.
- (4) The term “actions” when used in §3.14 or any of its subparagraphs shall have the same meaning as assigned under §8-0105 of the *New York Environmental Conservation Law*.

(b) Procedure applicable with respect to a “new or modified sewer connection” projected to have an average daily wastewater discharge flow change in excess of +2,500 gallons per day:

- (1) With respect to an “action” or request for review that involves a “**new or modified sewer connection**” projected by the Applicant’s Engineer to have a change in **average daily wastewater discharge flow in excess of +2,500 gallons per day**, the Board will not consider a request for review to be complete, nor can

a formal response be provided or the Board's time to respond begin to run, until all documentation up to and including the Affected Owner's formal consideration and approval of the "action" under §12.05.05(f) of these rules and regulations has been received at the Board's Office.

- (2) Within ten (10) business days after receipt of the documentation, the Board shall submit an initial response acknowledging receipt and listing all documentation not provided which is required to complete its review and consideration, including the steps required under §§12.05.05(h), (i), and (j) of these rules and regulations. When additional documentation is required, the Board's initial response shall request that the deadline for the Board to submit a response be extended until twenty (20) days after receipt of all documentation required.
  - i. If the documentation submitted to the Board is complete, the Board shall submit its response within twenty (20) days after receipt of the documentation, or such longer time stated in the review request.
  - ii. When the documentation submitted to the Board is incomplete, the Board shall submit its response within twenty (20) days after receipt of the last item of required documentation, or such longer time stated in the review request.
- (3) The terms "Affected Owner", "Applicant", and "new or modified sewer connection" appearing in §3.14(b) shall have the same meanings as are assigned to them under Article 12 of these rules and regulations.
- (4) Determinations and decisions made in the coordinated review process shall not have set any precedent binding on the Principal Municipal User, Intermediate Municipal User (if any), Affected Owner, or Board for the purposes of Article 12 or Article 12 of these rules and regulations.

(c) Procedure applicable with respect to a "new or modified sewer connection" projected to have an average daily wastewater discharge flow change equal to or less than +2,500 gallons per day:

- (1) With respect to an "action" or request for review that involves a "**new or modified sewer connection**" projected by the Applicant or the Developer to have a change in **average daily wastewater discharge flow of +2,500 gallons per day, or less**, the Board will not consider a request for review to be complete, nor can a formal response be provided or the Board's time to respond begin to run, until receipt in the Board's Office of:

[A] the Sewer Connection Application described to in §12.05.04 of these rules and regulations, and

[B] either:

[i] an approval, or

*(continues on the next page)*

[ii] a statement of adequate sewer collection system capacity from each of:

[a] the Principal Municipal User,

[b] the Intermediate Municipal User[s], if any, and

[c] the Affected Owner

through which wastewater from the “action” or project under review will flow enroute to the Binghamton-Johnson City Joint Sewage Treatment Facilities.

- (2) Within ten (10) business days after receipt of the documentation, the Board shall submit an initial response acknowledging receipt and listing all documentation not provided which is required to complete its review and consideration, including the steps required under §§12.05.05(h), (i), and (j) of these rules and regulations. When additional documentation is required, the Board’s initial response shall request that the deadline for the Board to submit a response be extended until twenty (20) days after receipt of all documentation required.
- i. If the documentation submitted to the Board is complete, the Board shall submit its response within twenty (20) days after receipt of the documentation, or such longer time stated in the review request.
  - ii. When the documentation submitted to the Board is incomplete, the Board shall submit its response within twenty (20) days after receipt of the last item of required documentation, or such longer time stated in the review request.
- (3) The terms “Affected Owner”, “Applicant”, and “new or modified sewer connection” appearing in §3.14(c) shall have the same meanings as are assigned to them under Article 12 of these rules and regulations.
- (4) Determinations and decisions made in the coordinated review process shall not have set any precedent binding on the Principal Municipal User, Intermediate Municipal User (if any), Affected Owner, or Board for the purposes of Article 12 or Article 12 of these rules and regulations.
- (d) Procedure applicable with respect to a review or “action” that does not involve a “new or modified sewer connection”:
- (1) With respect to a request for review or “action” that does not involve a “new or modified sewer connection”, the Board will not consider a request for review to be complete, nor can a formal response be provided or the Board’s time to respond begin to run, until receipt in the Board’s Office of either:
    - [i] an approval, or

(continues on the next page)

[ii] a statement of adequate sewer collection system capacity from each of:

[a] the Principal Municipal User,

[b] the Intermediate Municipal User[s], if any, and

[c] the Affected Owner

through which wastewater from the “action” will flow enroute to the Binghamton-Johnson City Joint Sewage Treatment Facilities.

- (2) Within ten (10) business days after receipt of the documentation, the Board shall submit an initial response acknowledging receipt and listing all documentation not provided which is required to complete its review and consideration, including the steps required under §§12.05.05(h), (i), and (j) of these rules and regulations. When additional documentation is required, the Board’s initial response shall request that the deadline for the Board to submit a response be extended until twenty (20) days after receipt of all documentation required.
- i. If the documentation submitted to the Board is complete, the Board shall submit its response within twenty (20) days after receipt of the documentation, or such longer time stated in the review request.
  - ii. When the documentation submitted to the Board is incomplete, the Board shall submit its response within twenty (20) days after receipt of the last item of required documentation, or such longer time stated in the review request.
- (3) The terms “Affected Owner”, “Applicant”, and “new or modified sewer connection” appearing in §3.14(d) shall have the same meanings as are assigned to them under Article 12 of these rules and regulations.
- (4) Determinations and decisions made in the coordinated review process shall not have set any precedent binding on the Principal Municipal User, Intermediate Municipal User (if any), Affected Owner, or Board for the purposes of Article 12 or Article 12 of these rules and regulations.
- (e) Logging-In and Acknowledgement of External Requests for Review. Each external request for review of an “action” or application shall be logged-in and acknowledged on behalf of the Board by the Business Manager or, in the absence of the Business Manager, by the Confidential Secretary employed by the Board. In acknowledging receipt of each request for review of an “action” or application, the Business Manager or the Confidential Secretary, as the case may be, shall furnish a copy of the Certificate of Resolution attesting to the adoption of this amendment to the requestor, with copies of the acknowledgement to all parties copied on the request for review, together with the current Internet URL at which Article 12 of these rules and regulations may be accessed. Such acknowledgment of receipt shall also be logged by the Business Manager or the Confidential Secretary, as the case may be.

*(As added April 14, 2015, effective June 1, 2015)*

## ARTICLE 4

### PUBLIC INFORMATION

#### §4.01 DESIGNATION OF RECORDS ACCESS OFFICER

- (a) The Plant Superintendent shall be responsible for insuring Joint Sewage Board compliance with the Freedom of Information Law (N.Y. Public Officers Law, Art. 6), and is hereby designated as the records access officer for the Binghamton-Johnson City Joint Sewage Treatment Plant.
- (b) The Plant Superintendent shall be responsible for insuring appropriate response to public requests for access to records.
- (c) The Plant Superintendent shall:
  - 1. Insure that an up-to-date subject matter list is maintained in his/her office and that it is available for public inspection;
  - 2. Assist the requester in identifying requested records, if necessary;
  - 3. Upon locating the records, take one of the following actions:
    - (i) Make records available for inspection; or
    - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefor;
  - 4. Upon request for copies of records:
    - (i) Make a copy available upon payment of the established fees, in accordance with §4.06; or
    - (ii) Permit the requester to copy those records.
  - 5. Upon request, certify that a record is a true copy;
  - 6. Upon failure to locate records, certify that:
    - (i) The Joint Sewage Board is not the custodian for such records, or
    - (ii) The records for which the Joint Sewage Board is a custodian cannot be found after diligent search, or
    - (iii) The records have been destroyed pursuant to the regulations of the State Education Department; and
  - 7. Maintain a record of requests for information, showing date, time, name of requester, copies provided, monies received, and action taken upon request.

#### **§4.02 TIME AND PLACE FOR PUBLIC INSPECTION**

Records shall be available for public inspection and copying at the Binghamton-Johnson City Joint Sewage Treatment Plant during the regular business hours. These hours are 8 a.m. to 3 p.m. non-holiday weekdays.

#### **§4.03 REQUEST FOR PUBLIC ACCESS TO RECORDS**

- (a) A request shall be in writing, on the form specified, but oral requests may be accepted when records are readily available.
- (b) A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of the request.
- (c) A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations, or other information that may help to describe the records sought.
- (d) If the Plant Superintendent does not provide or deny access to the record sought within five business days of receipt of request, he or she shall furnish a written acknowledgement of receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within ten business days after the date of acknowledgement of receipt of a request, the request may be construed as a denial of access that may be appealed.

#### **§4.04 SUBJECT MATTER LIST**

- (a) The Plant Superintendent shall maintain a reasonably detailed current list by subject matter of all records in his possession, whether or not records are available pursuant to Subdivision 2 of Section 87 of the Public Officers Law.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- (c) The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

#### **§4.05 DENIAL OF ACCESS TO RECORDS**

- (a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the Joint Sewage Board.
- (b) If requested records are not provided promptly, as required in §4.03(d) above, such failure shall also be deemed a denial of access.
- (c) The Joint Sewage Board shall hear appeals for denial of access to records under the

*(continues on the next page)*

Freedom of Information Law. Appeals shall be in accordance with the provisions of §4.02 of these Rules and Regulations.

- (d) The time for deciding an appeal by the Joint Sewage Board shall commence upon receipt of a written appeal identifying:
  - 1. The date of the appeal,
  - 2. The date and location of the requests for records,
  - 3. The records to which the requester was denied access,
  - 4. Whether the denial of access was in writing or due to failure to provide records promptly as required by §4.03(d), and
  - 5. The name and return address of the requester.
- (e) The Joint Sewage Board shall inform the requester of its decision in writing within seven business days of receipt of an appeal.
- (f) The Joint Sewage Board shall inform the appellant of its determination in writing within 20 business days of receipt of an appeal.

#### **§4.06 FEES**

Fees for photocopying or otherwise providing subject matter pursuant to this Article shall be as established in accordance with Article 8.

*(this page blank intentionally)*

## ARTICLE 5

### RESTRICTIONS AND LIMITATIONS ON USE OF PUBLIC SEWERS

#### §5.01 PROHIBITED DISCHARGES

No person shall discharge directly or indirectly into the POTW or into any private sewer drain emptying into the POTW any substances, materials, waters, or wastes in such quantities or concentrations which cause, or are capable of causing, either alone or by interaction with other substances, interference with the operation or performance of the POTW treatment plant. No person shall discharge the following into the POTW:

- (a) Any stormwater, swimming pool water, surface water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary or combined sewer, except as is authorized by the Board.
- (b) Any liquids, solids, 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 fire or explosion or be injurious in any other way to the treatment works or to the operation of the treatment works. This includes waste streams with a closed-cup flashpoint less than 140°F or 60°C using test methods specified in 40 CFR 261.21. Also, at no time shall two successive readings taken at ten minute intervals on an explosion hazard meter at the point of discharge into the system, or at any point in the system, be more than five percent nor any single reading over ten percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, benzene, and any other substances which the Joint Sewage Board, the DEC or EPA has notified the User constitute a fire or explosion hazard to the system. Lack of notification by these entities that a substance is a prohibited material does not constitute a defense to the User in an enforcement action for violation of this prohibition.
- (c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, grease, shredded garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, snow, ice, any other solid objects, materials, refuse, and debris not normally contained in ordinary sewage.
- (d) Any wastewater having a pH less than 6.0 Standard Units (S.U.) or higher than 12.0 S.U., or wastewater having any other corrosive property capable of causing damage or hazard

to structures, equipment, and/or personnel or the treatment works. Notwithstanding the preceding sentence, a Municipal User may establish and enforce more stringent pH discharge limits within any Sewer System owned by it or under its jurisdiction.

*(Subsection amended April 14, 2015, effective June 1, 2015)*

- (e) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment works, or to exceed the limitation set forth in a categorical pretreatment standard, found in 40 CFR Chapter I Subchapter N, Part 405-471. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Federal Act.
- (f) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewer for their maintenance and repair.
- (g) Any substance which may cause the treatment works' effluent or any other product of the treatment works such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the treatment works is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW treatment plant to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Federal Act; or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, RCRA, or any state or federal requirements regarding solid or hazardous waste.
- (h) Any discharge resulting in pass through which will cause the treatment works to violate its State Pollutant Discharge Elimination System (SPDES) Permit or the receiving water quality standards.
- (i) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- (j) Any wastewater with objectionable color not removed in the treatment process.
- (k) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case heated wastewater with a temperature at the introduction into the sewer system which exceeds 150°F (65.5°C) or in such quantities that the temperature of wastewater at the POTW treatment plant exceeds 104°F (40°C).
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (m) Concentrated solutions, such as acid or caustic cleaning solutions or plating baths, without pretreatment.

### **§5.02 RADIOACTIVE WASTES PROHIBITED**

No person shall discharge or cause to be discharged any radioactive materials or wastes into the POTW.

### **§5.03 LIMITATIONS ON POINT OF DISCHARGE**

No person shall discharge substances directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer.

### **§5.04 HOLDING TANK WASTES**

No person shall truck or discharge any holding tank wastes into a manhole or other opening in a sanitary sewer. All holding tank waste discharged to the POTW shall be discharged at a Joint Sewage Board facility at locations designated by the Joint Sewage Board. Each separate load of holding tank waste shall be registered with the operator of the treatment facility. The User shall pay the applicable charges or dumping fees and shall meet such other conditions as required by the Joint Sewage Board. The Board shall have the right to inquire about the type of waste, the approximate volumes, and the origin of holding tank wastes. The transporter of such wastes shall also have a waste transporting permit (6 NYCRR Part 364) issued by the DEC.

### **§5.05 GREASE, OIL, AND SAND INTERCEPTOR**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts, 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 Board, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with removable covers which, when mounted in place, shall be gas tight and water tight.

### **§5.06 DILUTION PROHIBITED**

No discharger into the POTW shall augment his use of process water or otherwise intentionally dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with these Rules and Regulations.

### **§5.07 RESTRICTED DISCHARGES**

No person shall discharge directly or indirectly into the POTW wastewater containing any

of the following substances in concentrations exceeding those specified below. Concentration limits are applicable to wastewater effluent at a point just prior to discharge into the POTW.

<u>SUBSTANCE<sup>1</sup></u>	<u>ALLOWABLE DAILY AVERAGE EFFLUENT CONCENTRATION LIMIT<sup>2</sup> (mg/L)</u>
Cadmium	0.3
Chromium (total)	4.0
Copper	1.0
Lead	1.5
Mercury	0.001
Nickel	2.5
Zinc	8.0

---

<sup>1</sup> All concentrations listed for metallic substances shall be as "total metal" which shall be defined as the value measured in a sample acidified to a pH value of less than 2 without prior filtration.

<sup>2</sup> As determined by a composite sample taken of the User's daily discharge over the operational and/or production period. Composite samples must consist of grab samples collected at intervals of at least one per hour.

*(Section amended May 8, 2007, effective May 18, 2007, and further amended July 13, 2021, effective September 1, 2021)*

**§5.08 STANDARDS FOR THE MANAGEMENT OF ELEMENTAL MERCURY AND DENTAL AMALGAM WASTES AT DENTAL FACILITIES**

Dental Facilities as the term is defined in 6 NYCRR Subpart 374-4 shall comply with the provisions of 6 NYCRR Subpart 374-4. *(As added by amendment approved May 8, 2007, effective May 18, 2007)*

## **ARTICLE 6**

### **INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM**

#### **§6.01 AUTHORITY**

The Binghamton-Johnson City Joint Sewage Board, having an approved Industrial Waste Pretreatment Program, is the local authority for the implementation of the requirements of the U.S. Environmental Protection Agency General Pretreatment Regulations (40 CFR Part 403).

#### **§6.02 REGISTRATION OF EXISTING MAJOR CONTRIBUTING INDUSTRIES**

No later than 30 days after the effective date of these Rules and Regulations, each major contributing industry shall register with the Joint Sewage Board. Registration may be accomplished by:

1. The user submitting a completed Industrial Chemical Survey Form and Industrial Wastewater Survey Form to the manager,
2. The user submitting an Industrial Wastewater Discharge Permit application (with application fee) to the manager, or
3. The user submitting a certification that the information contained in the user's previously filed Industrial Chemical Survey form and Industrial Wastewater Survey form reflects current practices.

In addition, categorical industrial users must submit a Baseline Monitoring Report (BMR) in accordance with the requirements of 40 CFR Part 403.12(b). Furthermore, any industrial facility expansions, production increases or process modifications which result in new, different, or increased discharges of pollutants must be reported by submission of revised Industrial Chemical Survey and Industrial Waste Survey Forms pursuant to the conditions above. The Board may deny or condition new or increased contributions of pollutants where such contributions do not meet applicable pretreatment standards and requirements, or when they would cause the Board to violate its SPDES permit.

#### **§6.03 HAZARDOUS WASTE NOTIFICATION**

All industrial users must notify the Board, the State, and EPA in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261 or 6 NYCRR Part 371. The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 or 6 NYCRR Part 371. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261 or 6 NYCRR Part 371, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the

POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

#### **§6.04 INDUSTRIAL WASTEWATER DISCHARGE PERMITS**

No major contributing industry shall discharge wastewater into the POTW unless that discharge is authorized by, and in accordance with, the terms and conditions of the user's Industrial Wastewater Discharge Permit. Such permits shall be issued by the Board and shall be expressly subject to all provisions of these Rules and Regulations and all other applicable ordinances, regulations, charges and fees established by the local municipality, the Owners, and/or the Joint Sewage Board. Existing major contributing industries must apply for a permit within 30 days after notification by the manager. New major contributing industries must apply for an Industrial Wastewater Discharge Permit prior to discharging any wastewater to the POTW.

#### **§6.05 APPLICATIONS FOR PERMITS**

All applicants for a permit to discharge industrial wastes into any sewer tributary to the POTW shall complete and file with the manager an application on a form provided by the Joint Sewage Board.

The manager may require such other additional information as he/she deems necessary to carry out the intent and purpose of the local sewer use law. All required information shall be furnished by the applicant in complete cooperation with the manager. The application shall be completed and signed by

- (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, or
- (c) a duly designated representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

#### **§6.06 TERMS AND CONDITIONS OF PERMITS**

The Board, in issuing a permit, shall impose such terms and conditions as it deems appropriate in order to insure compliance with local, state, and federal law and with the terms and conditions of the SPDES permit issued for the POTW treatment plant.

## **§6.07 DRAFT PERMITS, FORMAL PERMITS**

### **(a) Draft Permit**

A draft permit will be issued on the basis of the Board's action on the application for permit (Section 6.05). The draft permit will incorporate such terms and conditions as the Board determines to be appropriate for the monitoring and control of the permitted discharge. The draft permit shall be issued to the applicant for his review. The applicant shall have 30 days from the date the draft permit is issued to file with the manager any written objections in regard to the permit terms and conditions. If no written objections are received within 30 days, the Board may issue a formal permit.

### **(b) Formal Permit**

Upon approval of the draft permit or after resolution of permit conditions by the manager, a formal permit will be issued to the applicant.

## **§6.08 MODIFICATION, SUSPENSION, OR REVOCATION OF PERMITS**

### **(a) Industrial Wastewater Discharge Permits may be modified, suspended or revoked whenever the Joint Sewage Board finds after a hearing held in conformance with the procedures set forth in Article 3:**

1. that the user has violated any term of the permit or
2. that the user has obtained the permit by misrepresentation or failure to disclose fully all relevant facts.

*(Section amended August 28, 2012, effective November 1, 2012)*

### **(b) Permits may additionally be modified, suspended, or revoked whenever the Board determines that a change in conditions or the existence of a condition at the Joint Sewage Treatment Plant requires either a temporary or permanent reduction or elimination of the authorized discharge. The manager shall notify affected users of any proposed changes in their permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Any user aggrieved by a proposed modification, suspension, or revocation of the user's wastewater discharge permit may appeal to the Board for relief in accordance with the provisions of Section 3.08 of these Rules and Regulations.**

### **(c) If the manager finds that the public health, safety, or welfare requires emergency action and incorporates a finding to that effect in his/her order, summary suspension or modification of a permit may be ordered pending proceedings for modification, suspension, revocation, or other action. As soon as possible thereafter, but not to exceed 15 days, the Board shall provide the affected user an opportunity to be heard in accordance with the hearing provisions of Article 3.**

## **§6.09 PERMIT RENEWAL**

Permits are granted for no more than three years. Applications for renewal of a permit must be made no earlier than 60 days and no later than 30 days prior to the expiration date.

When a permittee has made timely and sufficient application for the renewal of a permit or requested a modification of its permit with reference to any activity of a continuing nature, the existing permit does not expire until action on the application has been taken by the manager and approved by the Board. In cases where the application is denied or the terms of the new or modified permit are contested, the existing permit will not expire until the last day for seeking Joint Sewage Board review of the manager's determination or such later date as may be fixed by the Board.

#### **§6.10 TRANSFER OF PERMIT**

Industrial Waste Discharge Permits are issued to a specific user for a specific operation and are nontransferable. In the event of any change in ownership of the industrial facility, the permittee shall notify the new owner of the existence of the permit by letter, a copy of which shall be forwarded to the manager.

#### **§6.11 WASTEWATER DISCHARGE REPORTS**

As a means of determining compliance with these Rules and Regulations, with applicable SPDES permit conditions, and with applicable state and federal law, the manager may require any user discharging wastewater into the POTW to file wastewater discharge reports within 90 days following the date for final compliance (or if a new source, following the commencement of its discharge) and to supplement such reports with self monitoring reports as required under federal regulation 40 CFR 403.12. The wastewater discharge reports shall contain flow and pollutant measurements; a certification of whether pretreatment standards are being met consistently; and, if not, a description of needed additional operation and maintenance, or pretreatment. All information required by the manager shall be furnished by the user in complete cooperation with the manager.

#### **§6.12 CONFIDENTIAL INFORMATION**

Information and data concerning a User obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Board at the time the information is submitted that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to these Rules and Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, State Pollutant Discharge Elimination System (SPDES) Permit, or any state agency in judicial review or enforcement proceedings which arise out of these Rules and Regulations and involve the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

### **§6.13 MONITORING, SURVEILLANCE, AND SAMPLING**

The manager shall maintain a continuing program of monitoring, surveillance, and sampling of industrial wastes discharged into any sewer tributary to the POTW. The manager (or any of his/her duly authorized representatives) shall have the power to obtain samples and make tests and measurements necessary to determine the nature, concentration, and quantity of such wastes and shall have the right to reassess his/her determinations by taking samples and tests at any time or by periodic rechecks without notice to the User discharging such wastes.

- (a) Samples shall be taken and flow measurements made at the monitoring station or stations which are specifically identified with the User.
- (b) In the event that a monitoring station has not been required, the samples shall be taken at a suitable and accessible point or points to be selected by the manager and that are specifically identified with the User.

### **§6.14 MONITORING FACILITIES**

Users who discharge, who propose to discharge, or who in the judgement of the Joint Sewage Board could discharge now or in the future, wastewater with constituents and characteristics different from that produced by domestic premises may be required to install a monitoring facility. When, in the judgment of the Board, there is a significant difference in the wastewater constituents and characteristics produced by different operations of a single User, the Board may require that separate monitoring facilities be installed for each discharge. Monitoring facilities are to be constructed at a common location into which all flows from the User are combined. Sanitary wastewater may be excluded. Whenever the installation of a monitoring facility in a common location is impossible or impractical, the User shall construct and maintain at the User's expense, in lieu of one common monitoring facility, two or more monitoring facilities as required by the Board.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the User's expense. The purpose of the facility is to enable inspection, sampling, and flow measurements of wastewaters produced by the User. If sampling and metering equipment is also required by the Board, it shall be provided, installed, operated, and maintained at the User's expense. The monitoring facility will normally be required to be located on the User's premises outside the building. If the monitoring facility is inside the User's fence, there shall be accommodations to allow safe and immediate access for Joint Sewage Board personnel such as a gate secured with a Joint Sewage Board lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be approved by the manager and maintained at all times in a safe and proper operating condition by and at the expense of the User. No person shall falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under these Rules and Regulations.

### **§6.15 PRETREATMENT**

Where necessary, in the opinion of the Board, Users shall make wastewater acceptable under the limitations established by these Rules and Regulations and by

Section 307 of the Act before discharging into any sewer tributary to the POTW. Any facilities required to pretreat wastewater to a level acceptable to the Board shall be provided and maintained at the User's expense. Detailed plans bearing the seal of a professional engineer, licensed by the state of New York, showing pretreatment facilities and operating procedures shall be submitted to the manager prior to commencement of construction of the facility. The submission of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these Rules and Regulations and any applicable local, state, or federal requirements. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Board as soon as is reasonably practicable. Industrial users may perform activities which are subject to national categorical pretreatment standards, found in 40 CFR Chapter I Subchapter N, Part 405-471, which are hereby incorporated into these regulations. When new or revised pretreatment standards are adopted by the EPA or the DEC for any industry, then that industry must immediately conform to the EPA or the DEC timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by the EPA or the DEC. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Board.

#### **§6.16 FEDERAL AND STATE EFFLUENT LIMITATIONS**

Effluent limitations promulgated by the Federal Act and New York State Department of Environmental Conservation shall apply in any instance where they are more stringent than limitations in these Rules and Regulations. Users in industrial categories subject to effluent guidelines issued under Section 304 of the Federal Act and discharging pollutants into the POTW shall achieve the level of treatment established by the applicable federal and state regulations. Nothing in these Rules and Regulations shall be construed to relieve any Industrial User from its obligation to comply with the pretreatment standards established pursuant to Section 307 of the Federal Act or any applicable regulation or provision of state law.

*(Section amended May 8, 2007, effective May 18, 2007)*

#### **§6.17 NOTIFICATION TO INDUSTRIAL USERS**

The manager shall, from time to time, notify each major contributing industry of applicable pretreatment standards and of any other applicable requirements under Sections 204(b) and 405 of the Clean Water Act and Subtitles C and D of RCRA.

#### **§6.18 SLUG DISCHARGE**

Each user shall provide protection from the intentional and accidental slug discharges of prohibited materials or other wastes regulated by this law. Facilities to prevent slug discharges of prohibited materials shall be provided and maintained at the User's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the manager prior to construction of the facility. Industrial users shall develop Slug Control Plans meeting the Board's approval at the request of the Board.

Users shall notify the manager within 24 hours upon discharging wastes in violation of these Rules and Regulations due to:

- (1) breakdown of pretreatment equipment,
- (2) accidents caused by human error, negligence, or mechanical failure,
- (3) other causes, such as acts of nature, to enable countermeasures to be taken by the manager and/or the Board to minimize damage to the POTW, interference or pass through.

In addition to the notice provided above, Users shall notify the manager in writing within five days of the date of occurrence by a detailed statement describing the causes of the discharge and the measures being taken to prevent future occurrences. Such notifications will not relieve Users of liability for any expense, loss or damage to the sewer system, treatment facility, or treatment process, or for any fines imposed on the Owners and/or the Joint Sewage Board on account thereof under Section 309 of the Act, or any liability for civil penalties under Section 10.01.

#### **§6.19 NOTICE TO EMPLOYEES**

In order that employees of the Users be informed of Joint Sewage Board requirements, Users should make available to their employees copies of these Rules and Regulations together with such other wastewater information and notices which may be furnished by the Joint Sewage Board from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the User's bulletin board advising employees whom to call in case of an accidental discharge in violation of these Rules and Regulations.

#### **§6.20 INSPECTIONS**

The manager and his/her duly authorized representatives may enter upon private premises for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the local sewer use law or these rules and regulations. The manager or his/her representatives shall have authority to inspect all areas of a facility and at all times, have access to and may photocopy any records which the User is required to maintain under these Rules and Regulations, or any applicable local, state, or federal provisions.

While performing the necessary work on private premises, referred to in this section above, the manager or his/her duly authorized representatives shall observe all safety rules applicable to the premises as established by the owner and/or occupant of the premises.

Inspections will be accomplished during hours of operations or at periods of sewer use with or without notice to the Users and such inspections shall be conducted to reasonably measure the characteristics of the waters and wastes discharged into the POTW.

#### **§6.21 ANALYTICAL PROCEDURES**

All measurements, tests, and analyses of the constituents and characteristics of waters and

wastes to which reference is made in these Rules and Regulations shall be determined in accordance with the latest version of 40 CFR Part 136 procedures, or alternate test procedures approved by the EPA Administrator.

#### **§6.22 PUBLIC NOTIFICATION**

The manager shall at least annually provide public notification in the largest daily newspaper circulated in Broome County, of industrial users which, at any time during the previous twelve months, were in significant noncompliance with any pretreatment standard or requirements with which they must comply. The notification will summarize the enforcement action taken by the manager of the Joint Sewage Board.

#### **§6.23 PROGRAM COST RECOVERY**

The costs to administer the Industrial Wastewater Pretreatment Program will be recovered in part from the Industrial Users. Additional program costs will be recovered through the permit and application fee for Industrial Wastewater Discharge Permits.

#### **§6.24 RECORDKEEPING**

Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Article, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, the name of the person[s] taking the samples; the dates analyses were performed; the name of the person[s] performing the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years from the date the results became known or were reported to the User. This period shall be automatically extended for the duration of any investigation or litigation concerning the User or the Board as to which the User is made aware, or where the User has been specifically notified of a longer retention period by the Manager.

*(Section added April 14, 2015, effective June 1, 2015)*

## ARTICLE 7

### INDUSTRIAL WASTEWATER SURCHARGE

#### §7.01 IMPOSITION OF SURCHARGE

In addition to any other fees, charges, sewer rents, or sanitary district taxes provided by law, the owner or tenant of any parcel of real property connected with the sewer system by any means may be required to pay an Industrial Wastewater surcharge for use of the wastewater treatment works for discharging industrial wastes or other wastes accepted for admission into the system other than normal sewage. The Industrial Wastewater surcharge shall consist of, but not be limited to, the following charges:

- (a) Debt service charges and
- (b) Operation and maintenance charges.

#### §7.02 BASIS FOR DETERMINATION

The industrial wastewater surcharge shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of the user which may include but are not limited to: flow rate, Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), Total Phosphorous (TP), Total Kjeldahl Nitrogen (TKN), and Total Organic Carbon (TOC). The wastewater constituents and characteristics used to calculate the Industrial Waste surcharge will be those determined by the Board. Any data provided by the User may be used in addition to the data obtained by the Board.

#### §7.03 COMPUTATION OF INDUSTRIAL WASTEWATER SURCHARGE

The Industrial Wastewater surcharge shall be computed by the manager using the following surcharge formulas and shall apply to all Industrial Users as defined in Section 2.

Surcharge =  $8.34 Q (C_x - C_{x\text{STP}}) \$x + \dots$  where:

Q = flow of user's discharge in millions of gallons per day,

C<sub>x</sub> = concentration of parameter (x) in user's discharge in parts per million,

C<sub>x STP</sub> = sewage treatment plant design concentration of parameter (x) in parts per million,  
and

\$x = unit charge for treatment of parameter (x) in dollars per pound.

The unit charge for treatment of any parameter subject to surcharge will be based on the sum of charges attributable to the capital cost of the treatment facilities and the operation and maintenance budget for that given year. Capital cost is defined as the total annual debt service cost for the sewage treatment plant. The operation and maintenance costs is defined as the net annual cost of operating and maintaining the sewage treatment plant after crediting all operating cost, grants, and aid.

*(continues on the next page)*

The unit charge for any parameter will include only that portion of the capital and operation and maintenance costs which are directly attributable to the treatment of that parameter. This unit charge will be determined by the Board on an annual basis reflecting current debt retirement and operation and maintenance costs.

The unit charge (\$x) for any parameter (x) subject to surcharge will be determined as follows:

$$\$x = [P_{cx} (\text{Capital Cost}) + P_{ox} (\text{Operation and Maintenance Cost})] \div 365 \div L_x \text{ where:}$$

$P_{cx}$  = percentage of annual capital cost debt retirement attributable to treatment of parameter (x),

$P_{ox}$  = percentage of annual operations and maintenance cost attributable to treatment of parameter (x), and

$L_x$  = average sewage treatment plant influent loading of parameter (x) in pounds per day.

#### **§7.04 VOLUME DETERMINATION**

In applying the surcharge formula, the Board may represent flow discharged into the sewer system by:

- (a) The volume of wastewater discharged into the sewer system as determined by the measurements and samples taken at a monitoring facility installed by the owner of the property served by the sewer system; or
- (b) The amount of water supplied to the premises as shown on the water meter, or water records if the premises are metered. Allowances for water not discharged to the sewer system will be made at the discretion of the Board; or
- (c) A figure determined by the Board by any combination of the foregoing or by any other equitable method.

#### **§7.05 DETERMINATION OF POLLUTANT CONCENTRATION**

The pollutant concentration of any wastewater shall be determined from the analysis of representative samples taken prior to discharge into the sewers, taken by representatives of the Board at sampling stations as described in Section 6.13 of these Rules and Regulations, at any period, or time, or of such duration, and in such a manner as the Board may elect, or at any place or manner mutually agreed upon between the User and the Board. The intent of any sampling procedure is to establish the pollutant concentration in the wastewater discharge during an average or typical working day. This concentration may be derived, according to the best judgment of the Board.

The analysis of samples taken shall be performed in a laboratory of the Treatment Plant, or a laboratory designated by the Board. The industrial waste surcharge and/or the acceptability of the wastes shall be determined from said analysis. All surcharges shall be based on the analysis of the wastes from any plant or premises related to total volume of wastes determined under Section 7.04 of these Rules and Regulations.

#### **§7.06 POLLUTANT CONCENTRATION DISPUTED BY A USER**

In the event that the pollutant concentration of the waste discharged from a premise to a public sewer as determined under Section 7.05 of this article is disputed by a User, a program of resampling and flow measurement with subsequent analytical determination may be instituted as follows:

- (a) The person must submit a request for resampling of the waste and flow measurement to the Board.
- (b) An independent consultant or agency of recognized professional standing in the employ of the User must confer with representatives of the Board in order that an agreement may be reached as to the various factors which must be considered on a new sampling and flow measurement program.
- (c) The consultant or agency of recognized professional standing employed by the User shall conduct a resampling and reanalysis program, under the direction of the Board for at least two, 24 hour periods.
- (d) The results of the resampling and the reanalysis shall be considered to be the current analysis of the wastes discharged to the sewer system and shall be used for determining the acceptability of the sampling and analysis results in question. The new results may be used in place of the results in question or in addition to other data collected by the Board for determining the Industrial Waste surcharge, and/or compliance with these Rules and Regulations.
- (e) All costs of sampling, analysis, and flow measurements are to be paid by the User.

#### **§7.07 PAYMENT OF INDUSTRIAL WASTE SURCHARGE**

Payment of the Industrial Waste surcharge within the time period allotted by the Joint Sewage Board shall be made to the Board by the industrial user after receiving the Industrial Wastewater surcharge bill unless other arrangements for payment have been made and approved by the Board. Failure to submit timely payment of any Industrial Wastewater surcharge as determined under this article will subject the user to a penalty of one and one-half percentum of the unpaid amount for each month or part thereof that the surcharge remains unpaid.

#### **§7.08 ANNUAL REPORTING BY OWNERS OF ESTIMATED DEBT RETIREMENT COSTS FOR THE UPCOMING CALENDAR YEAR \***

To assist the Board in the discharge of its duties of annually determining the unit charge for treatment of various parameters under §7.03 as well as estimated billing in accordance with §9.08 and other governing agreements, not later than November 15<sup>th</sup> of each year the Owners shall deliver to the Board a report, setting forth, at a minimum, the following information regarding estimated debt retirement costs for the upcoming calendar year with respect to the

*(continues on the next page)*

Binghamton-Johnson City Joint Sewage Treatment Facilities:

- (a) itemized as to each bond or other debt instrument/indebtedness:
  - (i) the name/nomenclature of the bond or debt instrument/indebtedness; and
  - (ii) the gross total estimated amount of principal payments expected to be made during the upcoming calendar year; and
  - (iii) the gross total estimated amount of interest payments expected to be made during the upcoming calendar year; and
  - (iv) the total estimated amount of principal and/or interest subsidy, grants, offsets, credits or payments expected to be received during the upcoming calendar year, if any; and
  - (v) the total estimated amount of administrative fees expected to be paid during the upcoming calendar year.
- (b) Should an Owner project not having any debt retirement costs during the upcoming calendar year, either the Comptroller or Clerk/Treasurer of the Owner shall so report by letter to the Board delivered not later than November 15<sup>th</sup> in lieu of the report described in subparagraph (a), above.
- (c) In the absence of a report from an Owner as aforesaid, the Board may proceed on the basis that such Owner will have estimated debt retirement costs during the upcoming calendar year equal to its estimated debt retirement costs for the current year or, if no such estimate has been furnished, equal to its actual debt retirement costs for the prior year.

(\* - As added by amendment approved August 27, 2013, effective November 1, 2013)

**§7.09 ANNUAL REPORTING BY OWNERS OF DEBT RETIREMENT COSTS \***

To assist the Board in the discharge of its duties of annually determining the unit charge for treatment of various parameters under §7.03 as well as final billing in accordance with §9.08 and other governing agreements, not later than January 31<sup>st</sup> of each year the Owners shall deliver to the Board a report, certified as provided in subparagraph (c), *below*, setting forth, at a minimum, the following information regarding debt retirement costs for the calendar year just

*(continues on the next page)*

ended with respect to the Binghamton-Johnson City Joint Sewage Treatment Facilities:

- (a) itemized as to each bond or other debt instrument/indebtedness:
  - (i) the name/nomenclature and maturity date of the bond or debt instrument/indebtedness; and
  - (ii) the name and address of the creditor and, if different, the name and address of the holder of the bond or debt instrument/indebtedness; and
  - (iii) the gross total amount of principal payments made during the calendar year just ended; and
  - (iv) the gross total amount of interest payments made during the calendar year just ended; and
  - (v) the total amount of principal and/or interest subsidy, grants, offsets, credits or payments received during the calendar year just ended; and
  - (vi) the total amount of administrative fees paid during the calendar year just ended; and
  - (vii) the total amount of other carrying charges or servicing costs paid during the calendar year just ended together with an explanatory footnote setting forth the details, including payee name[s], of such charges or costs; and
  - (viii) the outstanding unpaid principal amount of the indebtedness as of December 31<sup>st</sup> (or, otherwise, the last business day) of the calendar year just ended.
- (b) Should an Owner not have had any debt retirement costs during the calendar year just ended, either the Comptroller or Clerk/Treasurer of the Owner shall so report by letter to the Board delivered not later than January 31<sup>st</sup> in lieu of the report described in subparagraph (a), above.
- (c) The report or letter shall include or be accompanied by a memorandum of certifica-

*(continues on the next page)*

certification substantially in the following form:

I, \_\_\_\_\_ (*print individual's name*), do hereby certify that I am the \_\_\_\_\_ (*print individual's title*) for the \_\_\_\_\_ (*print Owner's name*) for which this report is being made; and that the report is a true and correct statement.

Signature \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_ e-mail address \_\_\_\_\_

Date \_\_\_\_\_

- (d) In the absence of a certified report from an Owner as aforesaid, the Board may proceed on the basis that such Owner did not have any debt retirement costs during the calendar year just ended and, in computing the final billing for the year, such Owner shall be entitled to no credit or reimbursement for debt retirement costs during the year just ended.
- (e) If an Owner fails to timely file a certified report of debt retirement costs as aforesaid, the Board shall impose a penalty of (i) fifty dollars (\$50) for each day up to and including 14 that the certified report remains unfiled after January 31<sup>st</sup>, and (ii) one hundred dollars (\$100) for each day after 14 up to and including 29 that the certified report remains unfiled, and (iii) one hundred fifty dollars (\$150) for each day after 29 up to and including 44 that the certified report remains unfiled, and (iv) two hundred dollars (\$200) for each day after 44 up to and including 59 that the certified report remains unfiled, and (v) two hundred fifty dollars (\$250) for each day after 59 that the certified report remains unfiled. If the Owner so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Owner made a timely report submission or determination of its actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.
- (f) After receiving and reviewing the certified report of debt retirement costs submitted by an Owner, the Board may in its sole discretion cause inquiry or audit to be made as to the completeness and/or correctness of the certified report. In the first instance, however, the Board shall make the subject Owner aware in writing of all concerns the Board has as to the completeness and/or correctness of the certified report, and afford the subject Owner fifteen (15) business days to respond and/or submit a revised certified report, not counting the date of the giving of such notice. For all purposes under this subparagraph, notification via e-mail shall also constitute notification in writing. Any written communication or correspondence issued by or on behalf of the Board pertaining to an inquiry or audit shall be copied to, or addressed to, the chief

executive of the subject Owner and shall also be copied to the chief executive of the other Owner. If the fifteen (15) day period has expired and the Board continues to have any concerns as to the completeness and/or correctness of the certified report or revised certified report, as the case may be, the Board may continue to pursue inquiry or audit into the completeness and/or correctness of the most recent certified report. However, prior to engaging the services of an outside auditor, the Board shall notify in writing the chief executive of the subject Owner and the chief executive of the other Owner of its intention to do so, and thereafter allow ten (10) business days to elapse, not counting the date of the giving of such notice. The subject Owner shall cooperate with the Board and/or its auditors in such inquiry or audit. In the event that such inquiry or audit discloses any error or discrepancy in the subject Owner's most recent certified report of debt retirement costs then, in addition to imposing any penalty provided for in subparagraph (e), above (if the subject Owner's initial debt retirement cost certification report was not timely filed), upon determination by the Board of the amount of its costs, the Board shall require the subject Owner to pay as a further penalty all costs incurred by the Board in making such inquiry or audit, including internal costs of the Board (such as, but not limited to, personnel/benefit costs and expense reimbursements [private vehicle mileage, etc.]). If an Owner so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Owner made a complete or accurate report submission or determination of actual debt retirement costs impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

*(\* - As added by amendment approved August 27, 2013, effective November 1, 2013)*

*(this page blank intentionally)*

## **ARTICLE 8**

### **FEES**

#### **§8.01 SCHEDULE OF FEES**

The Board shall, from time to time, establish a schedule of reasonable fees for the application, issuance, and renewal of Industrial Wastewater Discharge Permits. Such fees shall be used by the Board to defray the cost of processing applications (including inspection of facilities and sampling wastewater discharges) and for administering the Industrial Wastewater Discharge Permit Program. The Board shall also establish in its schedule of fees such reasonable charges for the photocopying and certifying of records furnished pursuant to Article 4 of these Rules and Regulations. The schedule of fees may be obtained at the office of the manager.

#### **§8.02 APPLICATION FEE**

All applications for an Industrial Wastewater Discharge Permit and for renewal of such permit must be accompanied by an application fee which shall be in accordance with the latest schedule of fees established by the Board.

#### **§8.03 PERMIT FEE**

All persons issued an Industrial Wastewater Discharge Permit shall pay to the Board a permit fee which shall be in accordance with the latest schedule of fees established by the Board.

*(this page blank intentionally)*

## **ARTICLE 9**

### **PROVISIONS RELATING TO MUNICIPAL USERS**

#### **§9.01 COOPERATION REQUIRED**

Municipal users shall cooperate fully with the Joint Sewage Board in providing assistance in the Board's administration and enforcement of these Rules and Regulations within the municipality.

#### **§9.02 DESIGNATION OF LIAISON OFFICER**

Each Municipal User shall designate a local liaison officer who shall be responsible for coordinating cooperative efforts and assistance between the Municipal User and the Joint Sewage Board. Municipal Users shall furnish the Board with the name, title, address, and telephone number of such officer and of any substitutes, alternates, or successors.

#### **§9.03 NOTICE TO MUNICIPAL USERS**

The manager shall notify the Municipal User's liaison officer:

- (a) of any proposed amendments to the Board's Rules and Regulations,
- (b) of any actual amendments to the Board's Rules and Regulations,
- (c) of any enforcement activity proposed to be undertaken against any Industrial User within the municipality, and
- (d) of any other Board activity affecting the enforcement and administration of these Rules and Regulations within the municipality.

Any notice required to be given to a Municipal User shall be mailed to the liaison officer at the address designated by the Municipal User pursuant to Section 9.02 above.

#### **§9.04 NOTIFICATIONS BY MUNICIPAL USERS**

Municipal Users are under a continuing duty to promptly notify the Joint Sewage Board of any local condition or change in local conditions which may reasonably result in interference with the operation of the sewage treatment plant, or which may affect the Board's administration of the Industrial Wastewater Pretreatment Program developed for the Treatment Plant. Such conditions include, but are not limited to:

- (a) major alteration of, or extension to, the public sewer system including the creation of new sewer districts;
- (b) major damage to, or inhibition of, or obstruction to, the flow in the public sewer system;
- (c) increases in the number of significant Industrial Users within the municipality; and
- (d) significant violations of the Municipal User's sewer use law by any user.

### **§9.05 AMENDMENT OF LOCAL SEWER USE LAWS**

Each Municipal User shall, from time to time, amend its sewer use law in accordance with directives from the Joint Sewage Board.

### **§9.06 FILING LOCAL SEWER USE LAW**

Each Municipal User shall file a certified copy of its sewer use law with the Joint Sewage Board and shall within 30 days of any amendment thereto file a certified copy of the amendment with the Board.

### **§9.07 ANNUAL REPORTING OF MUNICIPAL WASTEWATER FLOWS AND RATES \***

Not later than March 31<sup>st</sup> of every year each Municipal User (including the Owners) shall certify to the Board the volume of water consumed or discharged to the public sewer and its rate schedule[s] in effect during the calendar year just ended by delivering to the Board a report certified by the Municipal User as provided in subparagraph (g), *below*, in the form attached hereto as Appendix A (which form is to be provided in digital format by or on behalf of the Manager via e-mail sent at least thirty [30] days before the first day of the calendar year to be covered by the report, such e-mail to be addressed to the Municipal User's Liaison Officer [designated in accordance with §9.02, *above* or, if none, to the Municipal User's chief executive officer] including, to the extent determined by the Board, the wastewater flows certified by the Board for the previous two calendar years, and to which form shall be annexed or attached a copy of Table 12.05.03-1 to these rules and regulations), on which the Municipal User shall report, at a minimum, the following information:

- (a) separately for the Binghamton Flow Side and for the Johnson City Flow Side of the sewer collection system tributary to the Binghamton-Johnson City Joint Sewage Treatment Facilities ("JSTF"), the volume of water consumed by each such sewer-connected property which obtains water from the Municipal User's public water supply, aggregated by class ([i] Residential, [ii] Non-Residential, and [iii] Mixed-Use Properties), and separated within each class by properties:
  - (i) having water meter readings for which the Municipal User has billed (or will bill) the property owner for sewer usage based on such meter readings,
  - (ii) having water meter readings for which the Municipal User does not bill the property owner for sewer usage based on such meter readings,
  - (iii) not metered for water consumption, but billed for sewer usage, describing the billing basis and/or formula used in billing such properties, and
  - (iv) not metered and not billed for sewer usage.
- (b) separately for the Binghamton Flow Side and for the Johnson City Flow Side of the sewer collection system tributary to the JSTF, the volume of water consumed by each

such sewer-connected property which does not obtain water from the Municipal User's public water supply (for example, properties which obtain water from private wells or from a different Municipal User), aggregated by class ([i] Residential, [ii] Non-Residential, and [iii] Mixed-Use Properties), and separated within each class by properties:

- (i) having water meter readings for which the Municipal User has billed (or will bill) the property owner for sewer usage based on such meter readings,
  - (ii) having water meter readings for which the Municipal User does not bill the property owner for sewer usage based on such meter readings,
  - (iii) not metered for water consumption, but billed for sewer usage, describing the billing basis and/or formula used in billing such properties, and
  - (iv) not metered and not billed for sewage usage.
- (c) separately for the Binghamton Flow Side and for the Johnson City Flow Side of the sewer collection system tributary to the JSTF, the annual total for the reporting year based on the sum of the applicable volumes as between (a) and/or (b), above, for each sewer-connected property.
- (d) as an attachment, with respect to non-metered properties, a listing by street address of each non-metered property, together with the corresponding classification and characteristics of such property under Table 12.05.03-1 of these rules and regulations (for example, 3-bedroom Residence [home]; 5-bedroom Apartment; 5,000 square foot Office Building; 50-seat 24-hour Restaurant; etc.) as if each such property were a "new development"; also indicating, if applicable, when footnote 2(b) to Table 12.05.03-1 applies with respect to all plumbing fixtures installed on the property.
- (e) as an attachment, the Municipal User's schedule[s] of charges for sewer rents/charges in effect at any time during the reporting year, including an identification of the effective date of change in the event that more than one schedule has been in effect during the year.
- (f) if the Municipal User has applied any adjustments from the Municipal User's metering and/or billing records to arrive at the numbers reported under subparagraphs (a), (b), and/or (c), above, the Municipal User shall attach a list to its report describing, at a minimum, the amount and reason/basis for the adjustment[s] applicable to each property for which an adjustment has been applied.
- (g) the report shall include or be accompanied by a memorandum of certification

substantially in the following form:

I, \_\_\_\_\_ (*print individual's name*), do hereby certify that I am the \_\_\_\_\_ (*print individual's title*) for the \_\_\_\_\_ (*print Municipal User's name*) for which this report is being made; and that the report is a true and correct statement.

Signature \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_ e-mail address \_\_\_\_\_

Date \_\_\_\_\_

If a Municipal User fails to timely file a flow certification report as aforesaid, the Board shall impose a penalty of (i) fifty dollars (\$50) for each day up to and including 14 that the flow certification remains unfiled after March 31<sup>st</sup>, and (ii) one hundred dollars (\$100) for each day after 14 up to and including 29 that the certified report remains unfiled, and (iii) one hundred fifty dollars (\$150) for each day after 29 up to and including 44 that the certified report remains unfiled, and (iv) two hundred dollars (\$200) for each day after 44 up to and including 59 that the certified report remains unfiled, and (v) two hundred fifty dollars (\$250) for each day after 59 that the certified report remains unfiled. If the Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a timely report submission or actual flow determination impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

After receiving and reviewing the flow certification report submitted by a Municipal User, the Board may in its sole discretion cause inquiry or audit to be made as to the completeness and/or correctness of the certified report. In the first instance, however, the Board shall make the subject Municipal User aware in writing of all concerns the Board has as to the completeness and/or correctness of the certified report, and afford the subject Municipal User fifteen (15) business days to respond and/or submit a revised certified report, not counting the date of the giving of such notice. For all purposes under this subparagraph, notification via e-mail shall also constitute notification in writing. Any written communication or correspondence issued by or on behalf of the Board pertaining to an inquiry or audit shall be copied to, or addressed to, the chief executive of the subject Municipal User and shall also be copied to the chief executives of both Owners. If the fifteen (15) day period has expired and the Board continues to have any concerns as to the completeness and/or correctness of the certified report or revised certified report, as the case may be, the Board may continue to pursue inquiry or audit into the completeness and/or correctness of the most recent certified report. However, prior to engaging the services of an outside auditor, the Board shall notify in writing the chief executive of the subject Municipal User and the chief executives of both Owners of its intention to do so, and thereafter allow ten (10) business days to elapse, not counting the date of the giving of such notice. The subject Municipal User shall cooperate with the Board and/or its auditors in such inquiry or audit. In the

event that such inquiry or audit discloses any error or discrepancy in the subject Municipal User's most recent flow certification report then, in addition to imposing any penalty provided for in the previous subparagraph (if the Municipal User's initial flow certification report was not timely filed), upon determination by the Board of the amount of its costs, the Board shall require the Municipal User to pay as a further penalty all costs incurred by the Board in making such inquiry or audit, including internal costs of the Board (such as, but not limited to, personnel/benefit costs and expense reimbursements [private vehicle mileage, etc.]). If the Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a complete or accurate report submission or determination of actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

Notwithstanding anything to the contrary appearing in these rules and regulations or otherwise, the Board may certify the wastewater flows of all Municipal Users using a minimum basis corresponding to Table 12.05.03-1 of these rules and regulations as the daily average wastewater flow from an unmetered property for which a lower daily average flow is reported or certified by a Municipal User. When such action is taken by the Board with respect to any unmetered property, the same action shall be taken with respect to all similarly-situated unmetered properties of all Municipal Users during the same reporting year. Nevertheless, the taking of such action by the Board in the course of certifying wastewater flows shall not be used as a basis for assessment of any penalties for untimely filing or erroneous reporting under the previous two subparagraphs of this section.

*(\* - As revised by amendment approved August 27, 2013, effective as to reporting of flows for years beginning after 2013)*

attachment: Appendix A (standard reporting form), on pages 9-6 through 9-11 (8½" x 14" format)

*(\* - As added by amendment approved August 27, 2013, effective as to reporting of flows for years beginning after 2013) – shown is form used for reporting 2022 Billable Wastewater Flows*

*(this page blank intentionally)*

**APPENDIX A**

**ANNUAL REPORT OF WASTEWATER FLOWS OF:**

under Section 9.07 of the Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant  
(MUNICIPAL USER NAME)

TO THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD

FOR THE CALENDAR YEAR:

Please complete and return so received not later than March 31, 2023 to the attention of:

Business Manager  
 Binghamton-Johnson City Joint Sewage Treatment Facilities  
 4480 Vestal Road  
 Vestal, New York 13850

**(DO NOT leave any item blank [i.e., insert a "0" or "n/a" where applicable])**

**PART I - Sewer-Connected Properties which obtain water from the Municipal User's public water supply**

**PRIOR YEAR COMPARISONS PROVIDED BY THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD (to the extent data is available)**

	BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE			BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE		
	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2014	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2013	units
<b>A. Residential Properties</b> <small>(includes multi-family dwellings)</small>												
- metered and billed for usage	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>						
- metered but not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
- not metered but billed for usage	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
describe billing basis / formula used:	<input type="text"/>			<input type="text"/>								
- not metered and not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
<b>B. Non-Residential Properties</b> <small>(includes business, commercial, industrial, government, schools, churches/religious)</small>												
- metered and billed for usage	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
- metered but not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
- not metered but billed for usage	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
describe billing basis / formula used:	<input type="text"/>			<input type="text"/>								
- not metered and not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
<b>C. Mixed-Use Properties</b> <small>(includes combined residential and business/commercial/industrial uses, etc.)</small>												
- metered and billed for usage	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
- metered but not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
- not metered but billed for usage	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		
describe billing basis / formula used:	<input type="text"/>			<input type="text"/>								
- not metered and not billed	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>	0			0		

**D. Listing Required for Non-Metered Properties** – the Municipal User shall prepare and attach to this report a list identifying, by street address, each property included in sub-sections A, B and C, above, which is not metered for water usage, together with the corresponding classification and characteristics of each such property under Table 12.05.03-1 of the Regulations (for example, 3-bedroom Residence [home]; 5-bedroom Apartment; 5,000 square foot Office Building; 50-seat 24-hour Restaurant; etc.) as if each such property were a "new development". [Indicate, if applicable, when footnote 2(b) to Table 12.05.03-1 is applicable with respect to all plumbing fixtures installed on the property]. A copy of Table 12.05.03-1 is annexed to this form.

9 - 6

APPENDIX A

ANNUAL REPORT OF WASTEWATER FLOWS OF:

0  
(MUNICIPAL USER NAME)

(continued)

FOR THE CALENDAR YEAR: 2022

**PART II - Wells/Sewer-Connected Properties which DO NOT obtain water from the Municipal User's public water supply**

PRIOR YEAR COMPARISONS PROVIDED BY THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD (to the extent data is available)

9 - 7

	BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE			BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE		
	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2014	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2014	units
<b>A. Residential Properties</b> (includes multi-family dwellings)												
- metered and billed for usage (includes properties supplied water by another municipality's public water supply)			0			0		0	0		0	0
- metered but not billed			0			0		0	0		0	0
- not metered but billed for usage describe billing basis / formula used:			0			0		0	0		0	0
- not metered and not billed			0			0		0	0		0	0
<b>B. Non-Residential Properties</b> (includes business, commercial, industrial, government, schools, churches/religious)												
- metered and billed for usage			0			0		0	0		0	0
- metered but not billed			0			0		0	0		0	0
- not metered but billed for usage describe billing basis / formula used:			0			0		0	0		0	0
- not metered and not billed			0			0		0	0		0	0
<b>C. Mixed-Use Properties</b> (includes combined residential and business/commercial/industrial uses, etc.)												
- metered and billed for usage			0			0		0	0		0	0
- metered but not billed			0			0		0	0		0	0
- not metered but billed for usage describe billing basis / formula used:			0			0		0	0		0	0
- not metered and not billed			0			0		0	0		0	0

D. Listing Required for Non-Metered Properties – the Municipal User shall prepare and attach to this report a list identifying, by street address, each property included in sub-sections A, B and C, above, which is not metered for water usage, together with the corresponding classification and characteristics of each such property under Table 12.05.03-1 of the Regulations (for example, 3-bedroom Residence [home]; 5-bedroom Apartment; 5,000 square foot Office Building; 50-seat 24-hour Restaurant; etc.) as if each such property were a "new development". [Indicate, if applicable, when footnote 2(b) to Table 12.05.03-1 is applicable with respect to all plumbing fixtures installed on the property]. A copy of Table 12.05.03-1 is annexed to this form.

ANNUAL REPORT OF WASTEWATER FLOWS OF:

0 (MUNICIPAL USER NAME) (continued)

FOR THE CALENDAR YEAR: 2022

PART III - TOTALS FOR YEAR

BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE			PRIOR YEAR COMPARISONS PROVIDED BY THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD (to the extent data is available)						
NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR		NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR		BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE			
	units			units		NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2014	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2013	units	
TOTALS	0	0	0	0	0	0	0	0	0	0	0	0

PART IV - MISCELLANEOUS

- A. For assistance with questions regarding the completion of this form, (as of May 31, 2022) please contact Billie Goodson, Business Manager, at (607) 729-2975, ext. 13 or e-mail <[bgoodson@bjcwtp.onmicrosoft.com](mailto:bgoodson@bjcwtp.onmicrosoft.com)>.
- B. Please attach a copy of your municipality's "rate card" or other description of sewer rates, sewer rents, and/or other sewer use charges billed during 2015 to connected properties (including ad valorem property tax assessments, if applicable).
- C. If adjustments have been made from the Municipal User's metering and/or billing records to arrive at the numbers reported above, attach a list to this report stating for each adjustment, at a minimum: the property's street address, the adjustment amount/units, and the reason/basis for the adjustment.
- D. The Joint Sewage Board reserves the right to periodically and/or randomly audit the supporting records used by the Municipal User to produce this report.
- E. At the Municipal User's option, additional supporting documentation may be attached to this report.

PART V - CERTIFICATION

I,  (print individual's name), do hereby certify that I am the  (print individual's title or office) for the  0 (print name of Municipal User)

for which this report is being made; and that the report, including all attachments, is a true and correct statement.

Signature: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

Telephone: \_\_\_\_\_ e-mail address: \_\_\_\_\_@\_\_\_\_\_

Date: \_\_\_\_\_, 2023

8 - 6

**TABLE 12.05.03-1: NEW DEVELOPMENT SEWAGE FLOW RATES** (*footnotes appear following the end of Table*)

(Table B-3 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as released by the New York State Department of Environmental Conservation March 5, 2014 [see, pages B-16ff at: [http://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf)] is, in its entirety, applicable to Section 12.05.03 of these regulations. As a convenience, the following chart presents a summary of the most common sources of flow from Table B-3. *In the event that there is any difference or conflict between Table B-3 and this Table 12.05.03-1, however, the provisions of Table B-3 shall be controlling.*)

Source of Flow	Flow Rate to be Added to the POTW <sup>(1)</sup>	Reference
Single-Family Residences and Residential-Style Group Homes	per Bedroom - 110 / 130 / 150 <sup>(2)</sup> gal/day, <u>plus</u> , add 150 gal/day per house with garbage grinder, <u>plus</u> , add 15 gal/day per non-resident employee ( <i>Group Homes only</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Apartments, Multiple Dwellings, and Assisted Living Facilities/Complexes	per Bedroom - 110 / 130 / 150 <sup>(2)</sup> gal/day, <u>plus</u> , add 15 gal/day per non-resident employee per shift ( <i>if any</i> ), <u>plus</u> , add 10 gal/day per in-room kitchen ( <i>Assisted Living only</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Mobile Home Parks	per "Single-Wide" Home / pad - 220 gal/day, and/or per "Double-Wide" Home / pad - 330 gal/day, <u>plus</u> , add 15 gal/day per non-resident employee per shift ( <i>if any</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Hotels, Motels, and Bed & Breakfast Establishments	per Sleeping Unit - 110 / 130 / 150 <sup>(2)</sup> gal/day, <u>plus</u> , add 10 gal/day per in-room kitchen ( <i>if any</i> ), <u>plus</u> , add 20 gal/day per in-room Jacuzzi <sup>®</sup> /spa ( <i>if any</i> ), <u>plus</u> , add 15 gal/day per non-resident employee per shift ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any</i> ( <i>see, Restaurants, below</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Hospitals and Nursing Homes	per Bed - 175 gal/day, <u>plus</u> , add 30 gal/day per outpatient or "day habilitation" patient served, <u>plus</u> , add 15 gal/day per employee per shift ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any</i> ( <i>see, Restaurants, below</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Day Care	per Child served - 20 gal/day, <u>plus</u> , add 15 gal/day per non-resident employee per shift ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any</i> ( <i>see, Restaurants, below</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Kennel and/or Pet Grooming	per Kennel / Run / Cage - 50 gal/day, <u>plus</u> , add 15 gal/day per employee per shift ( <i>if any</i> ), <u>plus</u> , add 500 gal/day per pet grooming station ( <i>if any</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Doctor's, Dentist's, or Veterinarian's Offices	per Doctor [ <i>non-Dentist</i> ], or per Dental Care Chair - 250 gal/day, and/or per Veterinarian - 200 gal/day, <u>plus</u> , add 15 gal/day per non-doctor/dentist/vet. employee per shift ( <i>if any</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Laundromat	per Washing Machine - 580 gal/day, <u>plus</u> , add 15 gal/day per employee per shift ( <i>if any</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>

(continues on next page)

12-7

Table 12.05.03-1

Article 12  
New or Modified Sewer Connection  
Application Program

(As revised by amendment approved April 14, 2015, effective July 1, 2015)

*(continued from prior page)*

Source of Flow	Flow Rate to be Added to the POTW <sup>(1)</sup>	Reference
Arena, Assembly Hall, Auditorium, Concert Hall, or Theater	per Seat - 5 gal/day, <u>plus</u> , add 15 gal/day per employee per shift, <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(2)</sup></i>
Banquet Hall and/or Catering Hall	per Seat - 10 gal/day, <u>plus</u> , add 15 gal/day per employee per shift, <u>plus</u> , add 150 gal/day per garbage grinder (or, if large, separately evaluate)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(2)</sup></i>
Office Buildings	per Employee per shift - 15 gal/day, <u>plus</u> , add 5 gal/day per shower unit ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(2)</sup></i>
Discount Stores, Dept. Stores, Grocery Stores, Merchandise Clubs, Retail Stores, and Shopping Centers	per square foot - 0.1 gal/day, <u>plus</u> , add 15 gal/day per employee per shift, <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i> , <u>plus</u> , add for on-site bakery, butcher, and/or deli, <i>if any</i> , based on similar industry type and size as well as proposed operations	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(2)</sup></i>
Convenience Stores and/or Service Stations	per toilet - 400 gal/day, <u>plus</u> , add 15 gal/day per employee per shift, <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(2)</sup></i>
Factories and/or Distribution Warehouses	per Employee per shift - 15 gal/day, <u>plus</u> , add 10 gal/day per shower unit ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i> , <u>plus</u> , add for process water use, <i>if any (see, Industrial Facilities, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(2)</sup></i>
Restaurants	<b>Dine-In Cook-to-Order Restaurant</b> (not 24-hour) - 35 gal/day per seat; <b>Fast Food Restaurant</b> (not 24-hour) - 25 gal/day per seat, <u>plus</u> 500 gal/day per drive-up window; <i>if 24-Hour Restaurant</i> - use 50 gal/day per seat <u>instead</u> of number above; <b>Buffet/Cafeteria</b> - pro-rate based on hours of service - <i>versus</i> - 24-Hour Restaurant, <i>above</i> ; <b>Restaurant in Proximity to Freeway Exit</b> - 75 gal/day per seat, <u>plus</u> 500 gal/day per drive-up window; <b>Drive-In Restaurant</b> - 25 gal/day per car space; <b>Tavern/Bar/Lounge</b> - 20 gal/day per seat, <u>plus</u> , for all restaurants, add 15 gal/day per employee per shift, <u>plus</u> , add 150 gal/day per garbage grinder (or, if large, separately evaluate)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(2)</sup></i>
<i>(continues on next page)</i>		

9 - 10

12-8

Article 12  
New or Modified Sewer Connection  
Application Program

*(As revised by amendment approved April 14, 2015, effective July 1, 2015)*

**Table 12.05.03-1 (continued)**

<i>(continued from prior page)</i>		
Source of Flow	Flow Rate to be Added to the POTW <sup>(1)</sup>	Reference
Industrial Facilities	To be determined at the time of application based on similar industry type and size as well as proposed operations	
Other sources (such as Barber Shops, Beauty Salons, Campgrounds, Churches, Fire Halls, Fitness Centers, Gyms, Health Clubs, Libraries, Parks, Prisons, Recreational Facilities, Schools, Transportation Terminals, etc.)	If listed therein, to be determined at the time of application based on Table B-3 in the <i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(2)</sup> ; <i>see</i> , pages B-16ff of <a href="http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf">http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf</a> or, if not listed, to be determined based on similar business type and size	

**Footnotes -**

- (1) The *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by NYSDEC allow for the following:
- a. "Typical Per-Unit Hydraulic Loading Rates" based on Table B-3 (*common sources from which are summarized above*) in the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by the NYSDEC. For other less frequent sources, refer to full Table B-3 at pages B-16ff of URL: [http://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf). When a development includes several types of uses from the Table, each use shall be computed separately. Except for the 110/130/150 <sup>(2)</sup> gal/day per unit values, the per-unit hydraulic loading rates, *above* and in Table B-3, may be reduced by 20% if certified water saving plumbing fixtures are used in the development. A combination of low-flow, medium-flow, and high-flow fixtures can also be considered on a *pro-rata* basis when supported with engineering calculations. Expected hydraulic loading rates (flow rates) based on new/alternative technologies will be considered on a case-by-case basis.
  - b. "Actual Measured Wastewater Flow Data" for a minimum of one year collected during similar operational conditions. For further information, *see* Method 2 under B.6.b (Design Flow) on pages B-15 to B-16 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by the NYSDEC accessible at URL: [http://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf).
  - c. "Actual Measured Water Usage Data" for a minimum of one year collected during similar operational conditions. For further information, *see* Method 3 under B.6.b (Design Flow) on page B-16 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by the NYSDEC accessible at URL: [http://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf).
- (2) 110 gpd for post-1994 plumbing code fixtures; 130 gpd for post-1979 through pre-1995 fixtures; and 150 gpd for pre-1980 fixtures. Homes over 1,000 gpd, community systems, or lodging establishments with medium-flow or high-flow fixtures must account for their higher peak flow periods.
- (3) In the event that NYSDEC amends its 2014 edition, the amended edition shall govern prospectively only, with respect to applications submitted on or after the first day of the month which is at least 90 days following the public release of the final version of the amendment.

12-9

Article 12  
New or Modified Sewer Connection  
Application Program

*(As revised by amendment approved April 14, 2015, effective July 1, 2015)*

**Table 12.05.03-1 (continued)**

## **§9.08 ESTIMATED BILLS \***

The Board may render an estimated bill if a Municipal User's wastewater flow for the previous calendar year remains unreported after March 31<sup>st</sup>. Estimated bills shall be clearly marked as such. Charges in estimated bills shall be based on the User's latest actual reported flow multiplied by a factor of 1.25. Where such estimate results in an overpayment by the User, the Board shall credit the overpayment on the User's bill for the ensuing year.

*(\* - As revised by amendment approved August 27, 2013, effective as to reporting of flows for years beginning after 2013)*

## **§9.09 LATE PAYMENT PENALTY**

Municipal Users shall make payment of user charges within the time period designated by the Board. A Municipal User's failure to submit timely payment of any billed charges will subject the user to a penalty of one and one-half percentum of the unpaid amount for each month or part thereof that the charge remains unpaid.

## **§9.10 ANNUAL REPORTING BY MUNICIPAL USERS (INCLUDING OWNERS) OF ESTIMATED LOCAL SYSTEMS COSTS FOR THE UPCOMING CALENDAR YEAR \***

To assist the Board in the discharge of its duties of estimated billing in accordance with §9.08 and other governing agreements, not later than November 15<sup>th</sup> of each year each Municipal User (including the Owners) through which one or more other Municipal User's wastewater flows enroute to the POTW shall deliver to the Board a report setting forth, at a minimum, the following information regarding local systems costs includable for billing purposes in the estimated bills to be computed by the Board for the upcoming calendar year:

- (a) itemized as to each bond or other debt instrument/indebtedness which is includable for billing purposes as a local systems cost:
  - (i) the name/nomenclature of the bond or debt instrument/indebtedness; and
  - (ii) the gross total estimated amount of principal payments expected to be made during the upcoming calendar year; and
  - (iii) the gross total estimated amount of interest payments expected to be made during the upcoming calendar year; and
  - (iv) the total estimated amount of principal and/or interest subsidy, grants, offsets, credits or payments expected to be received during the upcoming calendar year, if any; and
  - (v) the total estimated amount of administrative fees expected to be paid during the upcoming calendar year.

- (b) with respect to operating and/or maintenance budget expenditures of the Municipal User, itemized by expenditure budget line for estimated expenditure items which are includable for billing purposes as a local systems cost:
  - (i) the name and number of the expenditure budget line; and
  - (ii) the estimated amount[s] which is[are] includable for billing purposes as a local systems cost expected to be expended from such expenditure budget line during the upcoming calendar year AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
- (c) with respect to capital expenditures of the Municipal User, itemized by capital budget line for estimated capital project items which are includable for billing purposes as a local systems cost:
  - (i) the name and number of the capital budget line; and
  - (ii) the estimated amount[s] which is[are] includable for billing purposes as a local systems cost expected to be expended from such capital project budget line during the upcoming calendar year AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
  - (iii) no capital expenditure which is intended or expected to result in the generation of Flow Credits under Article 13 of these *Rules and Regulations* shall be eligible to be included in the local systems costs reported hereunder. In discharging its duties of estimated billing in accordance with §9.08 of these *Rules and Regulations* and other governing agreements, the Board shall disregard and/or deduct any such capital expenditures included in the Municipal User's report.
- (d) Should a Municipal User (including an Owner) project not having any local systems costs during the upcoming calendar year, either the Comptroller, Clerk, or Treasurer of the Municipal User shall so report by letter to the Board delivered not later than November 15<sup>th</sup> in lieu of the report described above.
- (e) In the absence of a report from a Municipal User as aforesaid, the Board may proceed on the basis that such Municipal User will have estimated local systems costs during the upcoming calendar year equal to its estimated local systems costs for the current year or, if no such estimate has been furnished, equal to its actual local systems costs for the prior year.

(\* - As added by amendment approved August 27, 2013, effective November 1, 2013)

*(continues on the next page)*

**§9.11 ANNUAL REPORTING BY MUNICIPAL USERS (INCLUDING OWNERS) OF LOCAL SYSTEMS COSTS \***

To assist the Board in the discharge of its duties of final billing in accordance with §9.08 and other governing agreements, not later than April 30<sup>th</sup> of each year each Municipal User (including the Owners) through which one or more other Municipal User's wastewater flows enroute to the POTW shall deliver to the Board a report, certified as provided in subparagraph (e), *below*, setting forth, at a minimum, the following information regarding local systems costs includable for billing purposes in the final bills to be computed by the Board for the calendar year just ended:

- (a) itemized as to each bond or other debt instrument/indebtedness which is includable for billing purposes as a local systems cost:
  - (i) the name/nomenclature and maturity date of the bond or debt instrument/indebtedness; and
  - (ii) the name and address of the creditor and, if different, the name and address of the holder of the bond or debt instrument/indebtedness; and
  - (iii) the gross total amount of principal payments made during the calendar year just ended; and
  - (iv) the gross total amount of interest payments made during the calendar year just ended; and
  - (v) the total amount of principal and/or interest subsidy, grants, offsets, credits or payments received during the calendar year just ended; and
  - (vi) the total amount of administrative fees paid during the calendar year just ended; and
  - (vii) the total amount of other carrying charges or servicing costs paid during the calendar year just ended together with an explanatory footnote setting forth the details, including payee name[s], of such charges or costs; and
  - (viii) the outstanding unpaid principal amount of the indebtedness as of December 31<sup>st</sup> (or, otherwise, the last business day) of the calendar year just ended.
- (b) with respect to operating and/or maintenance budget expenditures of the Municipal User, itemized by expenditure budget line for expenditure items which are includable

for billing purposes as a local systems cost:

- (i) the name and number of the expenditure budget line; and
  - (ii) the amount[s] which is[are] includable for billing purposes as a local systems cost actually expended from such expenditure budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year, provided that the amount of any budget transfer or funds transfer shall not be included to the extent not actually expended or encumbered for an item which is includable for billing purposes as a local systems cost; and
  - (iii) the amount[s] which is[are] includable for billing purposes as a local systems cost formally encumbered but not yet expended from such expenditure budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
- (c) with respect to capital expenditures of the Municipal User, itemized by capital budget line for capital project items which are includable for billing purposes as a local systems cost:
- (i) the name and number of the capital budget line; and
  - (ii) the amount[s] which is[are] includable for billing purposes as a local systems cost actually expended from such capital project budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year, provided that the amount of any budget transfer or funds transfer shall not be included to the extent not actually expended or encumbered for an item which is includable for billing purposes as a local systems cost; and
  - (iii) the amount[s] which is[are] includable for billing purposes as a local systems cost formally encumbered but not yet expended from such capital budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
  - (iv) no capital expenditure which has resulted in (or, if not yet completed, is intended to result in) the generation of Flow Credits under Article 13 of these *Rules and Regulations*, shall be eligible to be included in the local systems costs reported hereunder. In discharging its duties of final billing in accordance with §9.08 of these *Rules and Regulations* and other governing agreements, the Board shall disregard and/or deduct any such capital expenditures included in the Municipal User's report.

- (d) Should a Municipal User (including an Owner) not have had any local systems costs during the calendar year just ended, either the Comptroller, Clerk, or Treasurer of the Municipal User shall so report by certified letter to the Board delivered not later than April 30<sup>th</sup> in lieu of the certified report described above.
- (e) The report or letter shall include or be accompanied by a memorandum of certification substantially in the following form:

I, \_\_\_\_\_ (*print individual's name*), do hereby certify that I am the \_\_\_\_\_ (*print individual's title*) for the \_\_\_\_\_ (*print Municipal User's name*) for which this report is being made; and that the report is a true and correct statement.

Signature \_\_\_\_\_

Address \_\_\_\_\_  
 \_\_\_\_\_

Telephone \_\_\_\_\_ e-mail address \_\_\_\_\_

Date \_\_\_\_\_

- (f) In the absence of a certified report from a Municipal User as aforesaid, the Board may proceed on the basis that such Municipal User did not have any local systems costs during the calendar year just ended and, in computing the final billing for the year, such Owner shall be entitled to no credit or reimbursement for local systems costs during the year just ended.
- (g) If a Municipal User fails to timely file a certified report of local systems costs as aforesaid, the Board shall impose a penalty of (i) fifty dollars (\$50) for each day up to and including 14 that the certified report remains unfiled after April 30<sup>th</sup>, and (ii) one hundred dollars (\$100) for each day after 14 up to and including 29 that the certified report remains unfiled, and (iii) one hundred fifty dollars (\$150) for each day after 29 up to and including 44 that the certified report remains unfiled, and (iv) two hundred dollars (\$200) for each day after 44 up to and including 59 that the certified report remains unfiled, and (v) two hundred fifty dollars (\$250) for each day after 59 that the certified report remains unfiled. If the Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a timely report submission or determination of its actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.
- (h) After receiving and reviewing the certified report of local systems costs submitted by a Municipal User, the Board may in its sole discretion cause inquiry or audit to be made as to the completeness and/or correctness of the certified report. In the first instance, however, the Board shall make the subject Municipal User aware in writing

of all concerns the Board has as to the completeness and/or correctness of the certified report, and afford the subject Municipal User fifteen (15) business days to respond and/or submit a revised certified report, not counting the date of the giving of such notice. For all purposes under this subparagraph, notification via e-mail shall also constitute notification in writing. Any written communication or correspondence issued by or on behalf of the Board pertaining to an inquiry or audit shall be copied to, or addressed to, the chief executive of the subject Municipal User and shall also be copied to the chief executives of both Owners. If the fifteen (15) day period has expired and the Board continues to have any concerns as to the completeness and/or correctness of the certified report or revised certified report, as the case may be, the Board may continue to pursue inquiry or audit into the completeness and/or correctness of the most recent certified report. However, prior to engaging the services of an outside auditor, the Board shall notify in writing the chief executive of the subject Municipal User and the chief executives of both Owners of its intention to do so, and thereafter allow ten (10) business days to elapse, not counting the date of the giving of such notice. The subject Municipal User shall cooperate with the Board and/or its auditors in such inquiry or audit. In the event that such inquiry or audit discloses any error or discrepancy in the subject Municipal User's most recent certified report of local systems costs then, in addition to imposing any penalty provided for in subparagraph (g), above (if the Municipal User's initial local systems cost certification report was not timely filed), upon determination by the Board of the amount of its costs, the Board shall require the Municipal User to pay as a further penalty all costs incurred by the Board in making such inquiry or audit, including internal costs of the Board (such as, but not limited to, personnel/benefit costs and expense reimbursements [private vehicle mileage, etc.]). If a Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a complete or accurate report submission or determination of actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

*(\* - As added by amendment approved August 27, 2013, effective November 1, 2013)*

## **ARTICLE 10**

### **ENFORCEMENT & PENALTIES**

#### **§10.01 ENFORCEMENT RESPONSES**

The appropriate enforcement response to a specific violation of pretreatment requirements by industrial users of the Binghamton-Johnson City Joint Sewage Treatment Plant will be determined in accordance with the Binghamton-Johnson City Joint Sewage Board Enforcement Response Plan.

#### **§10.02 CIVIL PENALTY**

Any person who violates any of the provisions of or who fails to perform any duty imposed by these Rules and Regulations or any order or determination of the Joint Sewage Board or the terms of any permit issued thereunder, shall be liable to the Owners for a civil penalty of at least One Thousand Dollars (\$1,000) per day for each violation, to be assessed after a hearing held in conformance with the procedures set forth in §3.09. Each violation shall be a separate and distinct violation and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Board's attorney in the name of the Owners in any court of competent jurisdiction. Such civil penalty may be released or compromised by the Board before the matter has been referred to the Board's attorney, and where such matter has been referred to the Board's attorney any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Board 's attorney only with the consent of the Owners.

#### **§10.03 JUDICIAL ENFORCEMENT**

In addition to the power to assess penalties as set forth in §10.02, the Joint Sewage Board shall have the power, following a hearing held in conformance with the procedures set forth in §3.09, to issue an order: (1) suspending, revoking, or modifying the violator's permit; (2) enjoining the violator from continuing the violation. Any such order of the Board shall be enforceable in an action brought by the Board 's attorney at the request of the Board in the name of the Owners in any court of competent jurisdiction.

#### **§10.04 JUDICIAL REVIEW**

Any civil penalty or final order issued by the Joint Sewage Board pursuant to this subdivision shall be reviewable in a proceeding pursuant to Article 78 of the CPLR. Application for such review must be made within 30 days after service, in person or by mail, of a copy of the determination or order upon the attorney of record for the applicant and of each person who has filed a notice of appearance or the applicant in person if not directly represented by an attorney.

#### **§10.05 VIOLATION, A MISDEMEANOR**

Any person who willfully violates any provision of these Rules and Regulations or any final determination or order of the Joint Sewage Board made in accordance with Article 3 shall, in addition, be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment of not more than six months or by a fine of at least \$1,000 per day. Each offense shall be a separate and distinct offense and in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

#### **§10.06 CIVIL LIABILITY**

Any person violating any of the provisions of these Rules and Regulations shall, in addition, be liable to the Owners for any expense, loss, or damage occasioned to the Owners by reason of such violation and any expense incurred in correcting the violation.

#### **§10.07 INJUNCTION**

The Board's attorney shall have the right to seek equitable relief in the name of the Owners to restrain the violation of, or to compel compliance with, these rules and Regulations or any order or determination issued thereunder by the Board.

#### **§10.08 SUMMARY ABATEMENT**

Notwithstanding any inconsistent provisions of law, whenever the manager finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in his/her judgment, present an imminent danger to the public health, safety or welfare, or to the environment, or which threatens to interfere with the operation of the POTW, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the manager may, without prior hearing, order such User by notice, in writing, wherever practicable or in such other form as in the manager's judgment will reasonably notify such person whose practices are intended to be prescribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. In the event of a User's failure to comply voluntarily with such emergency order, or where the giving of notice is impracticable, the manager may take all appropriate action to abate the violating condition. As promptly as possible thereafter not to exceed 15 days, the manager shall provide the User an opportunity to be heard in accordance with the provisions of §3.08 and §3.09.

## **ARTICLE 11**

### **REPEALER, VALIDITY, AND EFFECTIVE DATE**

#### **§11.01 REPEALER**

The provisions of any prior Rules and Regulations of the Binghamton-Johnson City Joint Sewage Board are hereby repealed.

#### **§11.02 VALIDITY**

The invalidity of any section, clause, sentence, or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part or parts.

#### **§11.03 EFFECTIVE DATE**

These Rules and Regulations shall take effect on March 1, 1985.

*(this page blank intentionally)*

## ARTICLE 12

### NEW OR MODIFIED SEWER CONNECTION APPLICATION PROGRAM

*(Article added by amendment approved August 28, 2012, effective November 1, 2012; as amended September 26, 2012, effective November 1, 2012; as further amended April 14, 2015, effective July 1, 2015)*

#### §12.01 AUTHORITY

The Binghamton-Johnson City Joint Sewage Board (Board), having an approved Flow Management Plan, as required under a series of administrative consent orders by the New York State Department of Environmental Conservation (NYS-DEC) to manage and provide for treatment of wastewater flows, is the local authority for the requirements of and implementation of the New or Modified Sewer Connection Application Program.

#### §12.02 PURPOSE AND GOALS

The purpose of this Article is to control sewer flow to the Binghamton-Johnson City Joint Sewage Treatment Plant (Treatment Plant), and maintain compliance with the City of Binghamton's and the Village of Johnson City's Combined Sewer Overflows Long-Term Control Plan, as required by the U.S. Environmental Protection Agency (US-EPA).

The New or Modified Sewer Connection Application Program will promote a unified, consistent and coordinated process for evaluating the effects of new or modified sewer connections and assuring that new or modified sewer connections do not result in exceeding the capacity of the sewage collection system.

#### §12.03 EFFECTIVE DATE

The effective date of this New or Modified Sewer Connection Application Program regulation is January 1, 2013, except that the requirement stated in the first paragraph of Section 12.05.01 shall be satisfied by each Municipal User not later than November 1, 2012.

#### §12.04 DEFINITIONS

Except as otherwise defined below, technical terms used in this Article shall have the meanings stated in Section 2.01 of Article 2. Whenever used in this Article, the following terms and their corresponding definitions shall apply only in this Article, unless otherwise expressly stated or required by subject matter or context:

*(Subparagraph amended April 14, 2015, effective June 1, 2015)*

“Affected Owner” shall mean the Owner whose sewage collection system will transport or convey the wastewater from the new or modified sewer connection.

“Applicant” shall mean an entity that requests approval for a new or modified sewer connection and/or sewer extension.

“Area tributary to” – refers to a series of pumping stations, force mains and gravity sewers owned by various municipalities that together convey wastewater to a specific location, such as the Treatment Plant or a combined sewer overflow, in the sewage collection system.

“Available Sewer Capacity” shall be the difference between a sewer pipe’s theoretical full pipe capacity calculated using Manning’s Equation expressed as an hourly flow rate, and the sum of the average hourly wastewater flow in the pipe based on the 2006, 2008 and 2010 flow metering data plus the estimated peak hourly sewage flow rate increase from one or more new or modified sewer connections. The 2006 and 2008 flow metering data was presented in the September 2009 Flow Management Evaluation Report - Appendix C (approved by NYS-DEC in October 2009), and the 2010 flow metering data was presented in the April 2011 Flow Management Process, Collection System Mapping Enhancement and Modeling Study – Section 7 (approved by NYS-DEC in March 2011).  
*(Subparagraph amended April 14, 2015, effective June 1, 2015)*

“Board” or “Joint Sewage Board” shall mean the Binghamton-Johnson City Joint Sewage Board, established under the contract between the City of Binghamton and the Village of Johnson City for the operation of the joint wastewater treatment facility. The term includes any duly authorized designee, agent, or representative of the Board.

“Effective date” shall mean the date upon which an act of legal significance such as an Agreement or a contract is considered to take effect and which may be different from the date upon which the event described therein actually occurs or is recorded.

“Flow Credit Note” shall mean an agreement between the Board and the Applicant that flow credits shall be made available to the Applicant, Developer, or a Municipal User under specific terms.

“Flow Management Plan” is specific to the Third Modification Consent Order (Case #R7-0580-90-12) between the New York State Department of Environmental Conservation (NYS-DEC) and respondents City of Binghamton, Village of Johnson City, and the Binghamton-Johnson City Joint Sewage Board, and refers to the written document approved by the NYS-DEC February 29, 2012. The Flow Management Plan describes a programmatic approach to convey, receive, and treat the wastewater and ensure current and future flows receive adequate treatment.

“Hydraulic and Pollutant Loading Capacity Analysis” refers to comparing [i] the average wastewater flow rate design values expressed as an hourly flow rate and pollutant load design values expressed as an hourly loading of each unit process at the Treatment Plant to [ii] the average daily wastewater flow volume expressed as an hourly flow rate and average daily pollutant loading at the Treatment Plant plus the estimated peak hourly sewage flow rate and estimated peak hourly pollutant load from one or more new or modified sewer connections.

*(Subparagraph amended April 14, 2015, effective June 1, 2015)*

“/I Offset Flow Credits” shall mean gallons per day of flow capacity available for proposed new or modified sewer connections that are generated through “/I Remediation Projects”.

“I/I Remediation Project”, is an improvement, public work, or repair that reduces infiltration and inflow into the Sewage Collection System.

“Infiltration” shall mean wastewater, other than sewage, that enters a sewage collection system, (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, Inflow.

“Infiltration/Inflow” or “I/I” shall mean the total quantity of water from both Infiltration and Inflow, without distinguishing the source.

“Inflow” shall mean water, other than sewage, that enters a sewage collection system, (including sewer service connections) from sources such as: roof leaders; cellar drains; sump pumps; missing or defective cleanout caps; swimming pools; yard drains; area drains; foundation drains; drains from springs and swampy areas; manhole covers; cross connections between stormwater sewers and sanitary sewers; catch basins; cooling towers; stormwaters; surface runoff; street wash waters; or drainage. Inflow does not include, and is distinguished from, Infiltration.

“Intermediate Municipal User” shall mean the Municipal User whose sewage collection system will transport or convey the new or modified sewage flow from the Principal Municipal User’s sewage collection system to the Affected Owner’s sewage collection system.

“Municipal User” shall mean a municipality or government entity which owns, or has jurisdiction over, any public sewer which conveys wastewater to the Treatment Plant.

“New or Modified Sewer Connection” shall mean the result of construction of either [i] a new sewer connection or [ii] a modified sewer connection.

*(Subparagraph amended April 14, 2015, effective June 1, 2015)*

“New or Modified Connection Application Program” shall refer to the Board’s Application Program established pursuant to this Article (or, alternatively, these rules and regulations) that will promote a unified, consistent and coordinated process for evaluating the effects of new or modified sewer connections and assuring that new or modified sewer connections do not result in exceeding the capacity of the sewage collection system.

“Peaking Factor”, when used in Article 12 of these rules and regulations, shall mean the ratio of [i] the largest consecutive hourly flow volume of wastewater discharged through a property’s sewer connection during a typical day to [ii] 1/24<sup>th</sup> of the average daily flow volume of wastewater discharged from the same property, determined using the same volumetric unit of measure for both parts of the ratio.

*(Subparagraph added April 14, 2015, effective June 1, 2015)*

“Principal Municipal User” shall mean the Municipal User to whose Sewage Collection System the new or modified sewer connection is being made.

“Private Sewer” shall mean a sewer not owned or controlled by a Municipal User, not including lateral sewers.

“Publicly Owned Treatment Works” or POTW shall mean a treatment works as defined by Section 212 of the Federal Clean Water Act (33 USC 1292). This definition includes any directly or indirectly connected sewers and appurtenances that convey wastewater to the wastewater treatment plant, but does not include pipes, sewer laterals or other conveyances serving not more than a single home development not connected directly to the POTW.

“Sewage” shall mean the water-carried domestic human or animal waste from residences, industrial and commercial establishments, together with industrial and commercial waste. Neither infiltration nor inflow are components of “sewage”.

“Sewage Collection System” shall mean all facilities for collecting, regulating, pumping, and transporting, sewage and may include a sanitary sewer system or, where permitted by the NYSDEC, a combined sewer system.

“Sewer Connection Application” shall refer to the form in which the Applicant provides information about the new or modified sewer connection and requests permission to make such connection.

“Sewer District” shall mean a geographic area within the boundaries of a village, town, or city defined and established in accordance with the applicable provisions of New York’s Municipal Home Rule Law, Village Law, Town Law, Second Class Cities Law, and/or County Law for the purpose of collecting and conveying sewage to the Treatment Plant. Within a village, “sewer district” shall also mean the geographic area within the boundaries of the parcels of real property served by a connection to the village’s sewerage system, as established by the board of trustees thereof. The creation, modification, or dissolution of a sewer district itself (i.e., with respect to its geographic area) is outside the coverage of this Article, as is the construction and connection within a sewer district of a “sewer extension” (as defined in this Article) which has been approved by the New York State Department of Environmental Conservation prior to the effective date of this Article, provided such construction is carried-out and connection is made in accordance with the approved plans for such sewer extension.

“Sewer Extension” shall mean any and all sanitary sewer facilities, including sewer pipe and manholes, and any fittings and connections related thereto which are to become part of the POTW and which are anticipated to increase flows in the sewer system by more than 2,500 gallons per day. It shall also include, where applicable, all pumping stations, force mains, and associated facilities.

“Sewer Extension Engineering Report” shall refer to the document that accompanies a Sewer Connection Application in which the Applicant provides information about the new or modified sewer connection and the affected sewage collection system.

“Sewer System Capacity Analysis” refers to comparing the difference between [i] a sewer pipe’s theoretical full pipe capacity calculated using Manning’s Equation expressed as an hourly flow rate and [ii] the sum of the average hourly wastewater flow

in the pipe based on the 2006, 2008 and 2010 flow metering data as presented in the September 2009 Flow Management Evaluation Report - Appendix C (approved by NYS-DEC in October 2009) and the April 2011 Flow Management Process, Collection System Mapping Enhancement and Modeling Study – Section 7 (approved by NYS-DEC in March 2011) plus the estimated peak hourly sewage flow rate increase from one or more new or modified sewer connections.

*(Subparagraph amended April 14, 2015, effective June 1, 2015)*

“Treatment Plant” shall mean the Binghamton-Johnson City Joint Sewage Treatment Plant.

“Wastewater” is the composite of all flow constituents conveyed in a sewer including sewage and infiltration and inflow.

## **§12.05 PROGRAM REQUIREMENTS**

### **§12.05.01 SEWER CONNECTION APPLICATION**

A Municipal User shall prepare in accordance with the provisions of this Article (or, alternatively, these rules and regulations) a Sewer Connection Application form that is required to be completed by an Applicant and approved by the Municipal User (as well as other agencies, as set forth in this Article as well as applicable laws and regulations) before a new or modified sewer connection can be made to the POTW. The first two pages of the Sewer Connection Application shall be in the form attached to this Article as Appendix A. If a Municipal User requires additional information from Applicants in order to act on an application to make a new or modified sewer connection to its Sewage Collection System, the Municipal User shall design its Sewer Connection Application form so that such additional information appears on supplemental pages appearing after the second page of the Sewer Connection Application form. Each Municipal User shall file a specimen copy of its Sewer Connection Application form with the Board not later than November 1, 2012 and, if modified, not later than 10 business days after the modification is approved by the Municipal User.

*(NOTE: Appendix A [Sewer Connection Application] was revised April 14, 2015, effective July 1, 2015)*

In order to be considered fully completed, the Sewer Connection Application shall state in the blanks designated the Applicant’s name, street address (and, if different, mailing address), telephone number, FAX number (or “NONE” if the Applicant does not have a FAX number), e-mail address (or “NONE” if the Applicant does not have an e-mail account), the street address at which the proposed project covered by the application is located, a parcel ID number (i.e., tax map number), the I/I Remediation Basin in which the proposed project is located (determined using the I/I Remediation Basin Map – Figure 13.05-1 of Article 13), the estimated date for completion or occupancy of the new or modification development construction, and an estimate of the pre-construction/modification average daily flow volume (which includes the daily peak hourly sewage flow rate) and post-construction/modification average daily flow volume (which includes the daily peak hourly sewage flow rate). Average daily flow volume estimates and computations shall be certified as correct. The Applicant may certify estimates and

computations for new or modified sewer connections adding up to and including 2,500 gallons per day additional average daily flow volume. For new or modified sewer connections adding more than 2,500 gallons per day average daily flow volume, a Professional Engineer licensed to practice in New York State must certify the estimates and computations.

*(Subparagraph amended April 14, 2015, effective July 1, 2015)*

Additionally, if a new sewer connection or modification results in new average daily flow volume of more than 2,500 gallons per day, then said connection or modification constitutes a Sewer Extension and the application requires an accompanying Sewer Extension Engineering Report, approval from the Affected Owner, Board and, if the sewage discharge from the proposed project must flow through the sewer collection system of another Municipal User to reach the sewer collection system of the Affected Owner, an Intermediate Municipal User (refer to Section 12.05.05 - New or Modified Sewer Connection [Greater Than 2,500 Gallons per Day]). In order to be considered fully completed, the Sewer Connection Application for a Sewer Extension shall also state in the places designated the method in which the Applicant proposes to meet the requirements of the Infiltration/Inflow Offset Program (Article 13 of these rules and regulations).

*(Subparagraph amended April 14, 2015, effective July 1, 2015)*

Other applications or documents or fees may apply to developing a property and supplying the property with utilities with respect to applicable local, county or state laws.

This Article pertains only to new or modified sewer connections to the Sewage Collection System in any sewer district or area tributary to the Treatment Plant and the required Sewer Connection Application.

Not later than 90 days after these amendments to the regulations become effective, each Municipal User shall modify its application form[s] and within 10 business days following modification submit a specimen copy of each form to the Board. A Municipal User may begin using its modified application form[s] 10 business days following submission of the specimen copy to the Board.

*(Subparagraph added April 14, 2015, effective July 1, 2015)*

#### **§12.05.02 SEWER EXTENSION ENGINEERING REPORT**

If the Sewer Connection Application is for an increase in average daily flow volume to the Treatment Plant of more than 2,500 gallons per day, then the application must be accompanied by a Sewer Extension Engineering Report. The Sewer Extension

*(continues on the next page)*

Engineering Report shall include:

*(Subtitle and subparagraph amended April 14, 2015, effective July 1, 2015)*

1. Development location and description.
2. Existing Site description, including existing sewage flow to the POTW, if any.
3. Description of proposed new or modified Private Sewer.
4. (if applicable) Proposed new or modified POTW (sewers or treatment plant), alternatives, financing and permits.
5. Anticipated sewage volume/flow in gallons per day (to be used for a computation of the minimum-required I/I Offset Flow Credits under this Program) and Pollutant Load Generation to POTW.
6. Existing Sewer System Capacity Analysis.
7. Listing of all applicable permits.
8. Plan and Program for construction supervision and sewer testing.

The Sewer Extension Engineering Report shall be prepared and certified by a New York State Licensed Professional Engineer. The Sewer Extension Engineering Report shall include a Sewer System Capacity Analysis of the Municipal User's and (if applicable) the Intermediate Municipal User's sewage collection system from the point of the new or modified sewer connection to the Affected Owner's sewage collection system. The Sewer Connection Engineering Report must certify that there is available sewer capacity or make provisions for providing available sewer capacity before submitting the Sewer Connection Application and Report for approval.

### **§12.05.03 NEW OR MODIFIED SEWER CONNECTION SEWAGE FLOW RATES**

Determining the sewage flow rates of new or modified sewer connections to the POTW shall follow the guidelines shown on Table 12.05.03-1. Residential, commercial, restaurants, industrial, and other flows are based on the "Design Standards for Wastewater Treatment Works", 1988 edition as published by NYSDEC or future revisions or republications of the same (such revisions or republications shall only be applicable prospectively, however, beginning with respect to applications submitted on or after the first day of the month which is at least 90 days following the public release of the final version of the revision or republication). For industrial and other facilities not listed in the Table 12.05.03-1, the sewage flow rates will be determined at the time of application by the Applicant based on similar type and size of business. Sewage flow rates shall be computed by a New York State Licensed Professional Engineer and are subject to approval by the Board.

*(Subparagraph amended April 14, 2015, effective July 1, 2015)*

*(NOTE: Table 12.05.03-1 [New Development Sewage Flow Rates] was also revised April 14, 2015, effective July 1, 2015)*

*(continues with Section 12.05.04 following Table 12.05.03-1 [appearing on the next four pages])*

**TABLE 12.05.03-1: NEW DEVELOPMENT SEWAGE FLOW RATES** (footnotes appear following the end of Table )

(Table B-3 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as released by the New York State Department of Environmental Conservation March 5, 2014 [see, pages B-16ff at: <[http://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf)>] is, in its entirety, applicable to Section 12.05.03 of these regulations. As a convenience, the following chart presents a summary of the most common sources of flow from Table B-3. *In the event that there is any difference or conflict between Table B-3 and this Table 12.05.03-1, however, the provisions of Table B-3 shall be controlling.*)

Source of Flow	Flow Rate to be Added to the POTW <sup>(1)</sup>	Reference
Single-Family Residences and Residential-Style Group Homes	per Bedroom - 110 / 130 / 150 <sup>(2)</sup> gal/day, <u>plus</u> , add 150 gal/day per house with garbage grinder, <u>plus</u> , add 15 gal/day per non-resident employee ( <i>Group Homes only</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Apartments, Multiple Dwellings, and Assisted Living Facilities/Complexes	per Bedroom - 110 / 130 / 150 <sup>(2)</sup> gal/day, <u>plus</u> , add 15 gal/day per non-resident employee per shift ( <i>if any</i> ), <u>plus</u> , add 10 gal/day per in-room kitchen ( <i>Assisted Living only</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Mobile Home Parks	per “Single-Wide” Home / pad - 220 gal/day, and/or per “Double-Wide” Home / pad - 330 gal/day, <u>plus</u> , add 15 gal/day per non-resident employee per shift ( <i>if any</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Hotels, Motels, and Bed & Breakfast Establishments	per Sleeping Unit - 110 / 130 / 150 <sup>(2)</sup> gal/day, <u>plus</u> , add 10 gal/day per in-room kitchen ( <i>if any</i> ), <u>plus</u> , add 20 gal/day per in-room Jacuzzi <sup>®</sup> /spa ( <i>if any</i> ), <u>plus</u> , add 15 gal/day per non-resident employee per shift ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Hospitals and Nursing Homes	per Bed - 175 gal/day, <u>plus</u> , add 30 gal/day per outpatient or “day habilitation” patient served, <u>plus</u> , add 15 gal/day per employee per shift ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Day Care	per Child served - 20 gal/day, <u>plus</u> , add 15 gal/day per non-resident employee per shift ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Kennel and/or Pet Grooming	per Kennel / Run / Cage - 50 gal/day, <u>plus</u> , add 15 gal/day per employee per shift ( <i>if any</i> ), <u>plus</u> , add 500 gal/day per pet grooming station ( <i>if any</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Doctor’s, Dentist’s, or Veterinarian’s Offices	per Doctor [ <i>non-Dentist</i> ], or per Dental Care Chair - 250 gal/day, and/or per Veterinarian - 200 gal/day, <u>plus</u> , add 15 gal/day per non-doctor/dentist/vet. employee per shift ( <i>if any</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>
Laundromat	per Washing Machine – 580 gal/day, <u>plus</u> , add 15 gal/day per employee per shift ( <i>if any</i> )	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup>

(continues on next page)

<i>(continued from prior page)</i>		
Source of Flow	Flow Rate to be Added to the POTW <sup>(1)</sup>	Reference
Arena, Assembly Hall, Auditorium, Concert Hall, or Theater	per Seat - 5 gal/day, <u>plus</u> , add 15 gal/day per employee per shift, <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(3)</sup></i>
Banquet Hall and/or Catering Hall	per Seat - 10 gal/day, <u>plus</u> , add 15 gal/day per employee per shift, <u>plus</u> , add 150 gal/day per garbage grinder (or, if large, separately evaluate)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(3)</sup></i>
Office Buildings	per Employee per shift - 15 gal/day, <u>plus</u> , add 5 gal/day per shower unit ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(3)</sup></i>
Discount Stores, Dept. Stores, Grocery Stores, Merchandise Clubs, Retail Stores, and Shopping Centers	per square foot - 0.1 gal/day, <u>plus</u> , add 15 gal/day per employee per shift, <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i> , <u>plus</u> , add for on-site bakery, butcher, and/or deli, <i>if any</i> , based on similar industry type and size as well as proposed operations	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(3)</sup></i>
Convenience Stores and/or Service Stations	per toilet - 400 gal/day, <u>plus</u> , add 15 gal/day per employee per shift, <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(3)</sup></i>
Factories and/or Distribution Warehouses	per Employee per shift - 15 gal/day, <u>plus</u> , add 10 gal/day per shower unit ( <i>if any</i> ), <u>plus</u> , add for on-site food service, <i>if any (see, Restaurants, below)</i> , <u>plus</u> , add for process water use, <i>if any (see, Industrial Facilities, below)</i>	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(3)</sup></i>
Restaurants	<b>Dine-In Cook-to-Order Restaurant</b> (not 24-hour) - 35 gal/day per seat; <b>Fast Food Restaurant</b> (not 24-hour) - 25 gal/day per seat, <u>plus</u> 500 gal/day per drive-up window; <i>if 24-Hour Restaurant</i> - use 50 gal/day per seat <u>instead</u> of number above; <b>Buffet/Cafeteria</b> - pro-rate based on hours of service <i>-versus-</i> 24-Hour Restaurant, <i>above</i> ; <b>Restaurant in Proximity to Freeway Exit</b> - 75 gal/day per seat, <u>plus</u> 500 gal/day per drive-up window; <b>Drive-In Restaurant</b> - 25 gal/day per car space; <b>Tavern/Bar/Lounge</b> - 20 gal/day per seat, <u>plus</u> , <b>for all restaurants</b> , add 15 gal/day per employee per shift, <u>plus</u> , add 150 gal/day per garbage grinder (or, if large, separately evaluate)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC <sup>(3)</sup></i>
<i>(continues on next page)</i>		

<i>(continued from prior page)</i>		
Source of Flow	Flow Rate to be Added to the POTW <sup>(1)</sup>	Reference
Industrial Facilities	To be determined at the time of application based on similar industry type and size as well as proposed operations	
Other sources (such as Barber Shops, Beauty Salons, Campgrounds, Churches, Fire Halls, Fitness Centers, Gyms, Health Clubs, Libraries, Parks, Prisons, Recreational Facilities, Schools, Transportation Terminals, etc.)	If listed therein, to be determined at the time of application based on Table B-3 in the <i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC <sup>(3)</sup> ; <i>see</i> , pages B-16ff of <a href="http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf">http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf</a> or, if not listed, to be determined based on similar business type and size	

Footnotes -

- (1) The *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by NYSDEC allow for the following:
- a. “**Typical Per-Unit Hydraulic Loading Rates**” based on Table B-3 (*common sources from which are summarized above*) in the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by the NYSDEC. For other less frequent sources, refer to full Table B-3 at pages B-16ff of URL: [http://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf). When a development includes several types of uses from the Table, each use shall be computed separately. Except for the 110/130/150 <sup>(2)</sup> gal/day per unit values, the per-unit hydraulic loading rates, *above* and in Table B-3, may be reduced by 20% if certified water saving plumbing fixtures are used in the development. A combination of low-flow, medium-flow, and high-flow fixtures can also be considered on a *pro-rata* basis when supported with engineering calculations. Expected hydraulic loading rates (flow rates) based on new/alternative technologies will be considered on a case-by-case basis.
  - b. “**Actual Measured Wastewater Flow Data**” for a minimum of one year collected during similar operational conditions. For further information, *see* Method 2 under B.6.b (Design Flow) on pages B-15 to B-16 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by the NYSDEC accessible at URL: [http://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf).
  - c. “**Actual Measured Water Usage Data**” for a minimum of one year collected during similar operational conditions. For further information, *see* Method 3 under B.6.b (Design Flow) on page B-16 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by the NYSDEC accessible at URL: [http://www.dec.ny.gov/docs/water\\_pdf/2014designstd.pdf](http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf).
- (2) 110 gpd for post-1994 plumbing code fixtures; 130 gpd for post-1979 through pre-1995 fixtures; and 150 gpd for pre-1980 fixtures. Homes over 1,000 gpd, community systems, or lodging establishments with medium-flow or high-flow fixtures must account for their higher peak flow periods.
- (3) In the event that NYSDEC amends its 2014 edition, the amended edition shall govern prospectively only, with respect to applications submitted on or after the first day of the month which is at least 90 days following the public release of the final version of the amendment.

*(this page has been left blank intentionally)*

**§12.05.04 NEW OR MODIFIED SEWER CONNECTION (LESS THAN OR EQUAL TO 2,500 GALLONS PER DAY)**

(a) The Applicant shall submit a Sewer Connection Application to:

1. Principal Municipal User
2. Intermediate Municipal User
3. Affected Owner
4. Board
5. Other Governing Agencies (if applicable)

(b) Other applications or documents or fees may apply to developing a property and supplying the property with utilities. This Article pertains only to new or modified sewer connections to the Sewage Collection System in any sewer district or area tributary to the Treatment Plant and the required Sewer Connection Application.

(c) Upon approval of the Sewer Connection Application by the Principal Municipal User and other Governing Agencies (if applicable), the Applicant can proceed with the new or modified sewer connection.

**§12.05.05 NEW OR MODIFIED SEWER CONNECTION (GREATER THAN 2,500 GALLONS PER DAY)**

(a) The Applicant shall submit a Sewer Connection Application and Sewer Connection Engineering Report to:

1. Principal Municipal User
2. Intermediate Municipal User
3. Affected Owner
4. Board
5. Other Governing Agencies (if applicable)

(b) A Principal Municipal User can be an Owner or an Outside User to whose Sewage Collection System the new or modified sewer connection is being made. The Principal Municipal User is obligated to disapprove a new or modified sewer connection if such action is required for reasons set forth in the local ordinances or if the flows associated with the new or modified sewer connection will exceed the capacity of the Principal Municipal User's Sewage Collection System.

(c) Upon approval of the Sewer Connection Application and Sewer Connection Engineering Report by the Principal Municipal User and (if applicable) the Intermediate Municipal User, the Applicant shall submit the Application and Report to the Affected Owner and Board.

(d) The Affected Owner shall perform a Sewer Capacity Analysis from the point of the Outside User's connection to the Treatment Plant.

(e) The Affected Owner shall Approve or Approve-with-Conditions the Application based on the Sewer Capacity Analysis limited to conditions required to protect the collection system. Certification of available sewer capacity or provisions for providing available sewer capacity shall be part of the Affected Owner's approval.

(f) The Affected Owner shall send the "Approved" or "Approved-with-Conditions" Sewer Connection Application to the Applicant, Municipal User(s) and Board within 45 days of receiving the Sewer Connection Application and Sewer Connection Engineering Report.

(g) The Board may begin the Capacity Analysis immediately upon receiving the Sewer Connection Application and Sewer Connection Engineering Report from the Applicant or wait until receipt of the "approval" notice from the affected Owner.

(h) The Board shall perform Hydraulic and Pollutant Loading Capacity Analysis at the Treatment Plant.

(i) The Board shall Approve or Approve-with-Conditions the Application based on the Hydraulic and Pollutant Loading Capacity Analysis limited to conditions required to protect the collection system, TPS and Plant. Certification of available sewer capacity or provisions for providing available sewer capacity shall be part of the Board's approval.

(j) The Board shall send the "Approved" or "Approved-with-Conditions" Sewer Connection Application to the Applicant, Municipal User(s) and Affected Owner within 45 days of receiving the "approved" Sewer Connection Application from the Affected Owner, with the Board's approval being contingent upon issuance of Flow Credit Note (refer to Article 13 – I/I Offset Program).

(k) Other applications or documents or fees may apply to developing a property and supplying the property with utilities. This Article pertains only to new or modified sewer connections to the Sewage Collection System in any sewer district or area tributary to the Treatment Plant and the required Sewer Connection Application and Sewer Connection Engineering Report.

(l) The Applicant can begin New/Modified Sewer Connection work upon receiving an

“approved” Sewer Connection Application from:

1. Principal Municipal User
2. Intermediate Municipal User
3. Affected Owner
4. Board
5. Other Governing Agencies (if applicable)

AND

upon receiving a Flow Credit Note (refer to Article 13 – I/I Offset Program).

### **§12.06 ADMINISTRATIVE PROCEDURES**

The provisions of Article IV of the Joint Sewage Treatment Plant Law and Article 3 of the Joint Sewage Treatment Plant Law Rules and Regulations shall govern all matters involving proceedings pursuant to this Article.

*(Article added by amendment approved August 28, 2012, effective November 1, 2012; as amended September 26, 2012, as amended September 26, 2012, effective November 1, 2012; further amended, as noted, April 14, 2015, effective July 1, 2015)*

*(Appendix A [Sewer Connection Application], ff, revised April 14, 2015, effective July 1, 2015)*

*(this page has been left blank intentionally)*

**APPENDIX A – APPLICATION FOR NEW/MODIFIED SEWER CONNECTION PERMIT**

[version 2.0 (07/01/2015)]

**BINGHAMTON – JOHNSON CITY JOINT SEWAGE BOARD  
APPLICATION FOR NEW OR MODIFIED SEWER CONNECTION PERMIT**

**1. Applicant**

Name \_\_\_\_\_ Telephone[s] \_\_\_\_\_

Street Address (and, if different, Mailing Address) \_\_\_\_\_ Fax (or "NONE" if no Fax #) \_\_\_\_\_

\_\_\_\_\_ e-mail (or "NONE" if no e-mail)

**2. Project Location**

Address \_\_\_\_\_ Parcel ID No. (i.e., Tax Map No.) \_\_\_\_\_

**3. Estimated Date for Completion and/or Occupancy**

\_\_\_\_\_ Date

I/I Remediation Basin  
see, < BgmJC-I-I-Remediation Basin Map>, page 13-19

**PRELIMINARY QUESTION:** Does the Project covered by this Application involve the making of a physical change at the point of connection to a publicly-owned sewer pipe? (check one)  YES  NO

If "NO", **STOP:** you are **not** required to complete the rest of this form. Please sign and date below, and submit.  
**(Please note: your municipality may require you to complete other forms and/or obtain other permits)**

**FLOW & FEE/CREDIT WORKSHEET** (attach a **Sewer Extension Engineering Report** if more than +2,500 gpd net average daily flow volume change)

**PART I**

Source of Flow (check all that apply)	Average Daily Unit Flow Volume (gpd)	No. of Units	Resulting Change in Average Daily Flow Volume (gpd)
____ Pre-Application Flow (if applicable)	_____	_____	- ( ^ reduction, if any)
____ Residential (people)	_____	X _____	= _____
____ Commercial/Office Bldg (employees)	_____	X _____	= _____
____ Restaurant (employees + seats)	_____	X _____	= _____
____ Industrial or Other Source -----> (Stores, Motels and Hotels, Recreational Facilities, etc.)	_____	X _____	= _____
	<i>Flow rate to be determined based on accepted standards for similar industry or business type and size. -----&gt;</i>		

PART I data/computations certified correct by: \_\_\_\_\_  
printed name and title: \_\_\_\_\_  
(the Applicant may certify ≤ 2,500 gpd; a Professional Engineer **must** certify > 2,500 gpd)

**TOTAL  
NET  
CHANGE**

**PART II (check A or B) -- ONLY APPLICABLE IF TOTAL NET "RESULTING CHANGE IN AVERAGE DAILY FLOW VOLUME" EXCEEDS A POSITIVE 2,500 gpd**

- \_\_\_\_ A. Purchase/Acquire Flow Credits ("Fees in Lieu of Mitigation") **Yes** or **No**
- \_\_\_\_ B. Earn Flow Credits (I/I Remediation Agreement for Developers/Builders only) **Yes** or **No**  
Applicant agrees to carry-out or fund acceptable I/I Remediation Project(s) under the terms and conditions of the I/I Offset Program to earn flow credits by the time new/modified sewer construction is certified as complete.

**BY SIGNING BELOW, THE UNDERSIGNED ATTESTS ON BEHALF OF THE APPLICANT THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND COMPLETE TO THE BEST OF THE APPLICANT'S KNOWLEDGE AND BELIEF.**

Applicant Signature \_\_\_\_\_ (print name and title of person signing below)

\_\_\_\_\_ Date



## ARTICLE 13

### INFILTRATION/INFLOW OFFSET PROGRAM

*(Article added by amendment approved August 28, 2012, effective January 1, 2013;  
revised by amendments approved April 14, 2015, effective June 1, 2015 and July 1, 2015)*

#### §13.01 AUTHORITY

The Binghamton-Johnson City Joint Sewage Board, having an approved Flow Management Plan, as recommended under a series of administrative consent orders by the New York State Department of Environmental Conservation (NYS-DEC) to manage and provide for treatment of wastewater flows, is the local authority for the requirements of and implementation of the Infiltration/Inflow Offset Program.

#### §13.02 PURPOSE AND GOAL

To control wastewater flow to the Binghamton-Johnson City Joint Sewage Treatment Plant (Treatment Plant), and maintain compliance with the City of Binghamton's and the Village of Johnson City's Combined Sewer Overflows Long-Term Control Plan, as required by the U.S. Environmental Protection Agency.

The goal of this Infiltration/Inflow Offset as Program established pursuant to this Article is to ensure adequate hydraulic capacity throughout the sewage collection system and adequate hydraulic and treatment capacity at the Treatment Plant.

#### §13.03 EFFECTIVE DATE

The effective date of this I/I Offset Program regulation is January 1, 2013.

#### §13.04 DEFINITIONS

Except as otherwise defined below, technical terms used in this Article shall have the meanings stated in Section 2.01 of Article 2. Whenever used in this Article, the following terms and their corresponding definitions shall apply only in this Article, unless otherwise expressly stated or required by subject matter or context:

*(as revised by amendment approved April 14, 2015, effective June 1, 2015)*

“Affected Owner” shall mean the Owner whose sewage collection system will transport or convey the wastewater from the new or modified sewer connection.

“Affected Sewers” shall mean the sewer pipes that convey sewage from a new or modified sewer connection.

“Applicant” shall mean an entity that requests approval for a new or modified sewer connection and/or sewer extension.

“Bank Administrator” shall mean the Board or its designee. The Bank Administrator will manage the Sewer Flow Credit Bank, and review and sign off on all approved

applications for flow credit creation, Bank deposits, withdrawals and transfers.

“Board” or “Joint Sewage Board” shall mean the Binghamton-Johnson City Joint Sewage Board, established under the contract between the City of Binghamton and the Village of Johnson City for the operation of the joint wastewater treatment facilities. The term includes any duly authorized designee, agent, or representative of the Board.

“Combined Sewer Overflow or CSO” shall mean the portion of flow from a combined sewer system (CSS) that discharges into a water body from an outfall located upstream of the headworks of a POTW, usually during a rainfall event; also, the outfall pipe which carries this discharge.

“CMOM Program” shall mean a Capacity, Management, Operation and Maintenance Program used by Municipal Users to operate and maintain their sewage collection system.

“Default” shall mean if a certificate of occupancy has not been issued within one year from the time of issuance of the Flow Credit Note or, if later, within the additional time allowed for issuance of the certificate of occupancy when extended as provided herein.

*(as revised by amendment approved April 14, 2015, effective July 1, 2015)*

“Developer” shall mean an “Applicant” applying to make a new or modified sewer connection and/or sewer extension, and which may or may not be responsible for the construction of a new or modified sewer connection and/or sewer extension and the construction of an “I/I Remediation Project”.

“Fees in Lieu of Mitigation” shall mean money paid by an “Applicant” into a fund so the applicant may use available flow credits rather than funding and undertaking an “I/I Remediation Project”.

“Flow Credits” shall mean gallons per day of flow capacity available for proposed new or modified sewer connections that are generated through “I/I Remediation Projects”, which is a project that reduces infiltration and inflow into the Sewage Collection System.

“Flow Credit Holder” shall mean the entity that owns the flow credits associated with a given “I/I Remediation Project”.

“Flow Credit Note” shall mean an agreement between the Board and the Applicant that flow credits shall be made available to the Applicant, Developer, or a Municipal User under specific terms.

“Infiltration” shall mean water, other than sewage, that enters a sewage collection system, (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

“Inflow” shall mean water, other than sewage, that enters a sewage collection system, (including sewer service connections) from sources such as: roof leaders; cellar drains; sump pumps; missing or defective cleanout caps; swimming pools; yard drains; area drains; foundation drains; drains from springs and swampy areas; manhole covers; cross connections between storm sewers and sanitary sewers; catch basins; cooling towers; stormwaters; surface runoff; street wash waters; or drainage. Inflow does not include, and is distinguished from, infiltration.

“Infiltration/Inflow” or I/I shall mean the total quantity of water from both infiltration and inflow, without distinguishing the source.

“I/I Remediation Basin” shall mean the sewage collection system, in its entirety that is tributary to a particular component of the POTW, such as a CSO or pumping station. I/I Remediation Basins represent the areas for which sewer connections need to be offset by I/I reductions in the same area. A I/I Remediation Basin may cross municipal boundaries.

“I/I Remediation Projects” shall mean specific projects (as described herein) including system improvements, repairs, and upgrades that reduce I/I gallons conveyed by the sewage collection system. Improvements, repairs and upgrades, such as manhole sealing, pipe joint grouting and sewer lining are considered I/I Remediation Projects under this Program.

“I/I Remediation Engineering Report” shall refer to the document that provides information about the scope of a project that is designed to remove infiltration and/or inflow from the sewage collection system and provides an estimate of the expected infiltration and/or inflow removal.

“Intermediate Municipal User” shall mean the Municipal User whose sewage collection system will transport or convey the new or modified sewage flow from the Principal Municipal User’s sewage collection system to the Affected Owner’s sewage collection system.

“Municipal User” shall mean a municipality or government entity which owns, or has jurisdiction over, any public sewer which conveys wastewater to the Treatment Plant.

“New or Modified Sewer Connection” shall mean the result of construction of either [i] a new sewer connection or [ii] a modified sewer connection. If a new or modified sewer connection adds more than 2,500 gallons per day average daily flow volume, it is also a Sewer Extension (as defined below), for which an offset is required in accordance with this Article.

*(as revised by amendment approved April 14, 2015, effective June 1, 2015)*

“Offset Ratio” shall mean the ratio of required gallons of I/I removed from the sewage collection system to the additional gallons allowed for new sewer connections.

“Principal Municipal User” shall mean the Municipal User to whose Sewage Collection System the new or modified sewer connection is being made.

“Private Sewer” shall mean a sewer not owned or controlled by governmental agency, not including lateral sewers.

“Public Sewer” shall mean a sewer controlled by governmental agency.

“Publicly Owned Treatment Works” or POTW shall mean a treatment works as defined by Section 212 of the Federal Clean Water Act (33 USC 1292). This definition includes any directly or indirectly connected sewers and appurtenances that convey wastewater to the wastewater treatment plant, but does not include pipes, sewer laterals or other conveyances serving not more than a single home development not connected directly to the POTW.

“Sanitary Sewer Overflow” or SSO shall mean a discharge of untreated wastewater from a sewage collection system designed for sanitary sewage only, including infiltration and inflow in excess of the capacity of the collection system, resulting in untreated wastewater discharges from the sewage collection system.

“Sewage” shall mean the water-carried domestic human or animal waste from residences, industrial and commercial establishments, together with industrial and commercial waste. Neither infiltration nor inflow are components of “sewage”.

“Sewage Collection System” shall mean all facilities for collecting, regulating, pumping, and transporting, sewage. May be a sanitary sewer system or, where permitted by the NYSDEC, a combined sewer system.

“Sewer Extension” shall mean any and all sanitary sewer facilities, including sewer pipe and manholes, and any fittings and connections related thereto which are to become part of the POTW and which are anticipated to increase flows in the sewer system by more than 2,500 gallons per day. It shall also include, where applicable, all pumping stations, force mains, and associated facilities.

“Sewer Flow Credit Bank” shall mean a mechanism to track flow credit deposits, withdrawals, and transfers.

“Wastewater” is the composite of all flow constituents conveyed in a sewer including sewage and infiltration and inflow.

### **§13.05 I/I OFFSET PROGRAM REQUIREMENTS**

New or modified sewer connections adding more than 2,500 gallons per day (gpd) in average daily flow volume shall be offset by an equal quantity of infiltration and/or inflow removal. This offset is a one to one (1:1) offset. The offset of infiltration and/or inflow shall occur in the same I/I Remediation Basin as the new or modified sewer connection, unless otherwise approved in writing by the Board. The I/I Remediation

Basins are geographic boundaries and are identified in Figure 13.05-1 (NOTE: *this Figure appears following Section 13.20*).

*(as revised by amendment approved April 14, 2015, effective July 1, 2015)*

Infiltration and/or inflow removal shall be the result of I/I Remediation Projects and said projects shall be completed prior to a new or modified sewer connection being completed. A system to account for the balance between infiltration and inflow removal and new and modified sewer connection sewage flows is set forth in this Article. The system is herein referred to as the Sewer Flow Credit Bank, and is administered by the Board or its designee, the Bank Administrator.

### **§13.06 EXEMPTIONS FROM I/I REMEDIATION PROJECTS**

A Municipal User or Applicant may be exempt from performing an I/I Remediation Project within the Principal Municipal User's municipal boundary with respect to a new or modified sewer connection application if:

- (1) The quantity of infiltration/inflow required to be removed cannot be economically eliminated from the Principal Municipal User's sewage collection system as determined in a cost-effectiveness analysis that compares the cost of implementing the I/I Remediation Project to the total costs for conveyance and treatment of the infiltration/inflow. The cost-effectiveness analysis shall be performed by a professional engineer, licensed in the State of New York, and is subject to approval by the Board.

The cost for transportation and treatment of the infiltration/inflow shall be based on actual billing rates from the most recent year for which the Joint Sewage Board's Fiscal Officer has computed the final billing calculation. The cost of the I/I Remediation Project shall be based on the specific project proposed to achieve the required flow credits. The methods for performing this analysis shall follow *Guidelines for Performing Infiltration/Inflow Analyses and Sewer System Evaluation Survey*, Commonwealth of Massachusetts, Revised January 1993, or equal method approved by the Board.

Or,

- (2) The quantity of wastewater flow, excluding industrial flow rates, is less than 120 gallons per capita per day as measured at the discharge of an Outside User (as documented in the *Flow Management Evaluation Report*, September 2009) or for the Owners at locations of discharge of major sewer basins (as documented in *Flow Management Process, Collection System Mapping Enhancement and Modeling Study*, January 2011).

And,

- (3) The maximum total wastewater flow rate during storm events does not result in chronic operational problems related to hydraulic overloading of the POTW or which does not result in a total wastewater flow, excluding industrial flow rates, of more than 275 gallons per capita per day as measured at the discharge of an Outside User (as documented in the *Flow Management Evaluation Report*, September 2009) or for the Owners at locations of discharge of major sewer basins (as documented in *Flow Management Process, Collection System Mapping Enhancement and Modeling Study*, January 2011). Chronic operational problems may include surcharging, backups, bypasses, and overflows.

If a Municipal User or Applicant claims such exemption with respect to a given application, it shall deliver a letter claiming such exemption to the Board together with such supporting documentation as may be required by the Board to rule on such an exemption claim. The Board shall make a determination on the exemption claim within 60 days of receiving the letter claiming exemption with accompanying supporting documentation. Upon approving an exemption claim, the Board shall notify the Bank Administrator as well as the Municipal User and, if different, the Applicant. If the exemption claim is denied, the Board shall notify the Municipal User and, if different, the Applicant of its determination and the reasons therefor.

Even though, with respect to a given application, a Municipal User or Applicant may be exempt from completing an I/I Remediation Project within the Principal User's municipal boundary, all new or modified sewer connections greater than 2,500 gallons per day (i.e. sewer extension) must be offset by removal of an equal volume of infiltration and/or inflow within the tributary I/I Remediation Basin or upstream of a known SSO or known bottleneck in the sewage collection system. In such cases, the Applicant, or Municipal User on behalf of the Applicant, shall secure flow credits from within the I/I Remediation Basin according to the procedures set forth in Section 13.08 – Flow Credit Allocations and Flow Credit Sales.

### **§13.07 FLOW CREDITS FOR PAST I/I REMEDIATION PROJECTS**

The NYS-DEC approved the City of Binghamton and Village of Johnson City's Combined Sewer Long-Term Control Plans, which were developed using a baseline condition of 1998. Since 1998 the City and Village have each implemented multiple sewer separation projects, which have effectively reduced infiltration and inflow throughout their sewage collection systems. The NYS-DEC has approved Flow Credits

*(continues on the next page)*

associated with these sewer separation projects according to the following table.

City of Binghamton and Village of Johnson City New York State Department of Environmental Conservation Approved I/I Offset Flow Credits Resulting from Sewer Separation Projects (1998-2011)	
I/I Remediation Basin	I/I Offset Flow Credits (gpd)
City of Binghamton	
I/I Remediation Basin 001 (B001)	0
I/I Remediation Basin 002 (B002)	500,000
I/I Remediation Basin 003 (B003)	270,000
I/I Remediation Basin 004 (B004)	375,000
I/I Remediation Basin 005 (B005)	0
I/I Remediation Basin 006 (B006)	150,000
I/I Remediation Basin 007 (B007)	285,000
I/I Remediation Basin 009 (B009)	100,000
I/I Remediation Basin Front St. PS (BFSPS)	0
I/I Remediation Basin 013 (B013)	310,000
I/I Remediation Basin STP (BSTP)	190,000
Village of Johnson City	
I/I Remediation Basin 001 (JC001)	21,000
I/I Remediation Basin 002 (JC002)	170,000

The NYS-DEC approved the Flow Credits shown above on the basis that inflow removed by these historical sewer separation and other type projects would be credited with generating Flow Credits at a ratio of one offset Flow Credit for each two units removed (i.e., 1:2). In other words, the City of Binghamton and Village of Johnson City provided engineering documentation demonstrating the removal of twice the inflow in gallons per day corresponding to the Flow Credits approved by NYS-DEC. This approach is grounded in conservatism to the extent that, in the absence of formal CMOM Programs for the respective collection systems in the past, there may have been some degree of increase in I/I contributed by other segments of the collection systems which did not see improvement projects.

Through June 30, 2013, Municipal Users may apply to the Bank Administrator for recognition of past I/I Remediation Projects from the effective date of this Article retroactive to 1998 with corresponding flow credits to be granted pertaining to recognized past I/I Remediation Projects at a ratio of one offset credit for each two units of I/I removed (in other words, 1:2). Municipal Users wishing to apply shall submit to the

Bank Administrator a letter of application, project documentation, and an engineering report quantifying the I/I flow reduction in accordance with §13.14, below. Upon receipt, the Bank Administrator shall immediately transmit a copy of the entire application to the New York State Department of Conservation Region 7 Water Engineer, either by certified mail - return receipt requested, or by other means of delivery which provides written or printable confirmation of actual delivery and the delivery date. The NYS-DEC Region 7 Water Engineer may provide written comments to the Bank Administrator within 30 days from receipt of the application. Upon expiration of the 30 day comment period or, if sooner, upon receipt of written comments from the NYS-DEC Region 7 Water Engineer, the Bank Administrator shall process the application and forward it, together with any written comments received, to the Board for determination. The Board shall make its determination on the application within 90 days from the Bank administrator's receipt of the application. Written notice of the Board's determination shall be delivered to the Bank Administrator, who shall notify the Municipal User and, if flow credits are granted as a result of the determination, adjust the Flow Credit Bank account ledger of the Municipal User accordingly.

**§13.08 FLOW CREDIT ALLOCATIONS AND FLOW CREDIT SALES**

For Flow Credits generated by past I/I Remediation Projects (refer to Section 13.07 - Flow Credits For Past I/I Remediation Projects) the City of Binghamton shall allocate a portion of the flow credits to Outside Users according to the following table.

City of Binghamton Allocated I/I Offset Flow Credits To Municipal Users Resulting from Sewer Separation Projects (1998-2011)											
Municipal User	Allocated I/I Offset Flow Credits (gpd) by I/I Remediation Basin										
	B001	B002	B003	B004	B005	B006	B007	B009	BFSPS	B0013	BSTP
Town of Vestal	0	0	0	0	0	0	0	0	0	0	38,079
Town of Kirkwood	0	0	0	0	0	0	0	0	0	54,738	0
Binghamton											
University	0	0	0	0	0	0	0	0	0	0	40,459
Town of Dickinson	0	10,710	0	0	0	0	0	0	0	10,710	0
Town of Binghamton	0	0	0	0	0	0	5,950	1,983	0	0	3,967
Village of Port Dickinson	0	0	0	0	0	0	0	0	0	9,520	0
Town of Conklin	0	0	0	0	0	0	0	7,140	0	0	0
Town of Fenton	0	0	0	0	0	0	0	0	0	2,380	0

For Flow Credits generated by past I/I Remediation Projects that have not been allocated, the terms and conditions of transferring or selling these Flow Credits will be negotiated between the City of Binghamton and the Outside Users on a case-by-case basis.

For Flow Credits generated by future I/I Remediation Projects the City of Binghamton pledges to offer the opportunity for Outside Users to purchase Flow Credits in advance of an I/I Remediation Project. The Flow Credits will be sold at the actual cost per flow credit. If an Outside User elects not to purchase future Flow Credits during the planning and budgeting phase of an I/I Remediation Project, then the City of Binghamton would be the sole owner of the resulting Flow Credits, and the terms and conditions of

transferring or selling these Flow Credits will be negotiated between the City of Binghamton and the Outside Users on a case-by-case basis.

For Flow Credits generated by past I/I Remediation Projects (refer to Section 13.07 - Flow Credits For Past I/I Remediation Projects) the Village of Johnson City shall allocate a portion of the flow credits to Outside Users according to the following table.

Village of Johnson City Allocated I/I Offset Flow Credits To Municipal Users Resulting from Sewer Separation Projects (1998-2011)		
Municipal User	Allocated I/I Offset Flow Credits (gpd) by I/I Remediation Basin	
	JC001	JC002
Town of Vestal	0	11,258
Town of Dickinson	0	2,135
Town of Union	4,853	0

For Flow Credits generated by past I/I Remediation Projects that have not been allocated, the terms and conditions of transferring or selling these Flow Credits will be negotiated between the Village of Johnson City and the Outside Users on a case-by-case basis.

For Flow Credits generated by future I/I Remediation Projects the Village of Johnson City pledges to offer the opportunity for Outside Users to purchase Flow Credits in advance of an I/I Remediation Project. The Flow Credits will be sold at the actual cost per flow credit. If an Outside User elects not to purchase future Flow Credits during the planning and budgeting phase of an I/I Remediation Project, then the Village of Johnson City would be the sole owner of the resulting Flow Credits, and the terms and conditions of transferring or selling these Flow Credits will be negotiated between the Village of Johnson City and the Outside Users on a case-by-case basis.

**§13.09 APPLICATIONS FOR NEW OR MODIFIED SEWER CONNECTION(S) AND/OR SEWER EXTENSION(S)**

Applications for New or Modified Sewer Connection(s) and/or Sewer Extension(s) are required and shall be completed in accordance with Article 12 - New or Modified Sewer Connection Application Program.

**§13.10 NEW OR MODIFIED SEWER CONNECTION SEWAGE FLOW RATES**

New or Modified Sewer Connection sewage flow rates shall be calculated in accordance

with Article 12 - New or Modified Sewer Connection Application Program.

### **§13.11 SEWER FLOW CREDIT BANK**

The Sewer Flow Credit Bank (Bank) is a mechanism administered by the Board through which Flow Credits generated from the successful completion of I/I Remediation Projects can be deposited, and then withdrawn or transferred for new or modified sewer connections.

- (a) Flow Credits shall only be used in the specific I/I Remediation Basin in which they were generated. They are not transferable to another I/I Remediation Basin, unless approved by the Board.
- (b) Once an I/I Remediation Project is certified complete, Flow Credits generated by I/I Remediation Projects shall be deposited into a separate sub-account within the Bank for the use by the Municipal User having jurisdiction over the site of the I/I Remediation Project. A Municipal User may, at its sole option, grant, sell, or otherwise transfer Flow Credits to entities other than the Municipal User, whether on a case-by-case basis or by operation of generally applicable local law, provided written notice of such transaction and/or local law is furnished to the Bank Administrator.
- (c) If an I/I Remediation Project performed by any entity generates more Flow Credits than necessary for a specific new or modified sewer connection, then all excess Flow Credits will remain “on deposit” in the Municipal User’s sub-account with no expiration date. A Municipal User may, at its sole option, grant, sell, or otherwise transfer Flow Credits to entities other than the Municipal User, whether on a case-by-case basis or by operation of generally applicable local law, provided written notice of such transaction and/or local law is furnished to the Bank Administrator.
- (d) Flow Credits are subject to eminent domain; a Municipal User having jurisdiction over the I/I Remediation Basin can mandate that Flow Credits “on deposit” in the name of a private entity generated in relation to an I/I Remediation Project within such Municipal User’s boundaries shall be “condemned” for a “public purpose”.
- (e) Flow Credits shall be denominated in gallons per day.
- (f) No Flow Credits are required with respect to a new or modified sewer connection that does not add more than 2,500 gallons per day average daily flow volume.

With respect to a new or modified sewer connection that adds more than 2,500 gallons per day average daily flow volume, the quantity of Flow Credits required for such new or modified sewer connection shall be equal

to the increase in average daily flow volume that is added by such new or modified sewer connection, referred to as a one-to-one (1:1) offset ratio.

- (g) The transfer of Flow Credits between Municipal Users and other entities shall be allowed. The Bank Administrator shall have no obligation to process a transfer or sale of Flow Credits in the absence of documentation found by it to be proper documentation of the transaction, such as notarized bill of sale or memorandum of gift or grant describing the transaction. While in an “on deposit” status in the Bank, Flow Credits shall have no monetary value, accrue no interest, and may not be assigned or pledged as collateral.
- (h) Flow Credit withdrawal and use in relation to an application shall be:
  - (1) subject to approval of the Bank Administrator based on demonstration by the Applicant of adequate hydraulic and treatment capacity in the sewage collection system and Treatment Plant in relation to the application under the Article 12 – New or Modified Sewer Connection Application Program, of these rules and regulations.
  - (2) in accordance with approval for the new or modified sewer connection under the Article 12 – New or Modified Sewer Connection Application Program, of these rules and regulations.
- (i) The existence of Flow Credits “on deposit” or posted to the account or sub-account of any entity creates no “vested rights” or entitlement whatsoever to make a new or modified sewer connection until all requirements and conditions applicable at the proposed new or modified sewer connection site are satisfied in the judgment and discretion of the governmental entity having jurisdiction thereof.

*(as revised by amendment approved April 14, 2015, effective July 1, 2015)*

### **§13.12 IDENTIFYING I/I REMEDIATION PROJECTS**

Municipal Users shall identify specific I/I Remediation Projects located on publicly owned property or on private property, including system improvements, repairs, and upgrades, that reduce I/I flow rates within the area tributary to permitted CSOs, known SSOs, or known bottlenecks in the sewage collection system.

Maintenance, such as returning manhole covers into the proper position or cleaning debris that is causing inflow to enter to the sanitary sewer system, shall not be considered as an acceptable I/I Remediation Project under this Program. Repairs, such as manhole sealing, pipe joint grouting and sewer lining will be considered I/I Remediation Projects under this Program.

I/I Remediation Projects shall be identified on an annual basis and documented in the Annual Sewer-Capital Improvement Plan (refer to Article 14.06.01 - Annual Sewer-Capital Improvement Plan). I/I flow rate reductions for each I/I Remediation Project shall be estimated, to be later verified by a New York State licensed Professional Engineer, and documented in I/I Remediation Engineering Report.

### **§13.13 UNDERTAKING I/I REMEDIATION PROJECTS**

A Municipal Users may undertake the work of I/I Remediation Projects on public property using in-house staff or by contract.

Developers may undertake a I/I Remediation Project on their private property and on public property upon approval of the Principal Municipal User, Affected Owner (if applicable) and Board.

An Engineering Report for I/I Remediation Projects shall be prepared by a professional engineer, licensed in the State of New York. The I/I Remediation Engineering Report shall include a calculation of estimated I/I flow rate reduction according to Section 13.14 - I/I Flow Reduction Quantification, and provisions for the Principal Municipal User to certify that the scope of work of the I/I Remediation Project was satisfactorily completed. For Developers, provisions also shall be made for the I/I Remediation Engineering Report to be approved by the Principal Municipal User, Affected Owner and Board.

A representative from the Principal Municipal User where the I/I Remediation Project is completed shall observe and certify to the Board that the I/I Remediation Project work was completed in accordance with the Engineering Report. In accordance with 6 NYCRR 750-2.3, representatives of the New York State Department of Environmental Conservation shall be allowed to enter onto any property where an I/I Remediation Project is being performed, for the purpose of observing such project.

The Bank Administrator shall issue a notice that flow credits have been generated and deposited into the Bank upon the Board's receipt of the Principal Municipal User's certification that the I/I Remediation Project work was completed in accordance with the I/I Remediation Engineering Report.

### **§13.14 I/I FLOW REDUCTION QUANTIFICATION**

The following infiltration and inflow quantification guidelines are to be used by all entities subject to this I/I Offset Program to calculate infiltration and inflow removed from the system by I/I Remediation Projects. The quantification of infiltration and inflow shall be prepared by a professional engineer, licensed in the State of New York, and

presented in an I/I Remediation Engineering Report.

- (a) Determining infiltration flow contribution for specific defects shall be according to the guidelines shown on Table 13.14-1.
- (b) As specified in Table 13.14-2, inflow flow contribution for specific defects shall be determined according to the Natural Resources Conservation Service methodology Technical Release 55 (TR-55). Table 13.14-3 presents a list of recommended curve numbers to be used in the TR-55 calculation.
  - i. In order for a sewer separation project to be qualified for flow credits, the new separated stormwater system must be conveyed to a receiving water and not redirected back to the combined sewer system in any way.

**TABLE 13.14-1: INFILTRATION GUIDELINES**

<b>INFILTRATION</b>		
<b>Problem Type</b>	<b>Contribution (gpm)</b>	<b>Reference</b>
Manholes	Joint Leaks- Paved Areas <sup>(1)</sup> Heavy- 1.1 gpm <sup>(1)</sup> Moderate- 0.65 gpm <sup>(1)</sup> Minor- 0.27 gpm <sup>(1)</sup> or To be determined on a case by case basis <sup>(2)</sup>	ASCE Manual of Practice No. 92
	Joint Leaks- Unpaved Areas <sup>(1)</sup> Heavy- 4.6 gpm <sup>(1)</sup> Moderate- 2.3 gpm <sup>(1)</sup> Minor- 1.1 gpm <sup>(1)</sup> or To be determined on a case by case basis <sup>(2)</sup>	ASCE Manual of Practice No. 92
	Defective Covers/ Frames Exposed to Surface Water	To be determined on a case by case basis <sup>(2)</sup>
Pipe Segments	To be determined for each specific project by using calculations, flow metering, and/or televised inspection and data from previously completed studies <sup>(2)</sup>	
Laterals/ Other Connections	To be determined for each specific project by using calculations , flow metering, and/or televised inspection and data from previously completed studies <sup>(2)</sup>	

(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 13.14-2: INFLOW GUIDELINES**

PROBLEM TYPE	CONTRIBUTION	REFERENCE
Sump pumps	5 gpm <sup>(1)</sup>	Gould's model ST51 at 20 feet of head pressure
Roof drains, catch basins, drainage through manhole covers, cross connections AND sewer separation projects.	To be calculated based on Natural Resources Conservation Service methodology TR-55. The 1-year, 24-hour storm event utilizing the Type II Standard Rainfall Distribution will be used. 1-year storm rainfall amount is 2.1 inches for City of Binghamton per Northeast Regional Climate Center.	TR-55

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

**TABLE 13.14-3: CURVE NUMBERS FOR USE IN RUNOFF CALCULATIONS<sup>(1)</sup>**

-----Cover description-----  Cover type and hydrologic condition	Average percent impervious area	Curve numbers for hydrologic soil group-----			
		A	B	C	D
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	95
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

*(continues on the next page)*

**TABLE 13.14-3: CURVE NUMBERS FOR USE IN RUNOFF CALCULATIONS <sup>(1)</sup> - continued**

-----Cover description-----  Cover type	Hydrologic condition	Curve numbers for ----hydrologic soil group----			
		A	B	C	D
Pasture, grassland, or range – continuous forage for grazing.	Poor	68	79	86	89
	Fair	49	69	79	84
	Good	39	61	74	80
Meadow – continuous grass, protected from grazing and generally mowed for hay.	---	30	58	71	78
Brush – brush-weed-grass mixture with brush the major element.	Poor	48	67	77	83
	Fair	35	56	70	77
	Good	30	48	65	73
Woods – grass combination (orchard or tree farm).	Poor	57	73	82	86
	Fair	43	65	76	82
	Good	32	58	72	79
Woods.	Poor	45	66	77	83
	Fair	36	60	73	79
	Good	30	55	70	77
Farmsteads – buildings, lanes, driveways, and surrounding lots.	---	59	74	82	86

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

### **§13.15 WITHDRAWING FLOW CREDITS FOR A NEW OR MODIFIED SEWER CONNECTION**

The Applicant shall request in writing to withdraw Flow Credits from the Bank, indicating the exact quantity of Flow Credits. The Applicant shall provide reference to the Sewer Connection Application and Sewer Connection Engineering Report (refer to Article 12 - New or Modified Sewer Connection Application Program) for which the Flow Credit withdraw is being requested. The applicant shall provide documentation of ownership of the requested Flow Credits and shall also provide documentation that shows the requested Flow Credits were generated in the same I/I Remediation Basin for which the new or modified sewer connection is being proposed.

Flow Credits shall only be made available if there is available capacity of both the affected sewers and the Treatment Plant to accommodate the estimated peak hourly sewage flow rate associated with such credits as documented in the Sewer Extension Engineering Report (refer to Article 12 – New or Modified Sewer Connection Application Program).

*(as revised by amendment approved April 14, 2015, effective July 1, 2015)*

The Bank Administrator shall verify that the Board has approved the Sewer Connection Application and Sewer Connection Engineering Report (refer to Article – 12 New or Modified Sewer Connection Application Program) and verify that Flow Credits are available within the I/I Remediation Basin for which the new or modified sewer connection is being made, and that the Applicant owns the requested Flow Credits.

Upon verification, the Bank Administrator shall issue a pre-approval “Flow Credit Note” with an expiration of one year from the time of issuance which has the effect of encumbering the affected flow credits while the note remains in force. For good cause shown prior to the expiration date, the Bank Administrator may extend a flow credit note for an additional one-year period. The flow credit note shall identify the Bank sub-account to which the corresponding flow credits shall revert in the event of a default. If a developer defaults in the completion of a development covered by a Sewer Connection Application, any flow credits earned and generated shall be released as provided in the flow credit note or, if none, to the account of the Principal Municipal User which owns the public sewer system on which the corresponding I/I Remediation Project was performed. No payment shall be made or refund given for costs incurred by a developer which has defaulted to purchase flow credits, undertake I/I Remediation Projects, or complete a development covered by an application.

All new or modified sewer connections require approval by the Principal Municipal User and all new or modified sewer connections adding more than 2,500 gpd average daily flow volume additionally require approval by the Intermediate Municipal User (if applicable), Affected Owner, the Board, the Broome County Department of Health and, if applicable, other governmental agencies (such as the New York State Department of Environmental Conservation [NYS-DEC] and/or the New York State Department of Health [NYS-DOH]). If a new or modified sewer connection is made without prior approval and/or without a Flow Credit Note as stated above, the Board shall refer this matter to the Broome County Department of Health and the NYS-DEC and/or NYS-DOH.

*(as revised by amendment approved April 14, 2015, effective July 1, 2015)*

Upon completion of the new or modified sewer connections, the Applicant shall notify the Board of the connection, and flow credits will be withdrawn from the account.

### **§13.16 PERIODIC AUDITING REQUIREMENTS**

Approximately every three years the Board shall have an independent entity audit the I/I Offset Program Sewer Flow Credit Bank. Though the flow credits in the Bank hold no monetary value, the audit shall be completed in general accordance with Government Auditing Standards (the “Yellow Book”, downloadable at <http://www.gao.gov/yellowbook>).

The goal of the audit shall be to provide a reasonable assurance that the account balances fairly represent the actual positions of the credit holders, and that the appropriate approval processes were completed before the issuance of flow credits notes or the withdraw or deposit of flow credits.

### **§13.17 RECORD-KEEPING REQUIREMENTS**

Municipal Users and the Board shall maintain records of all information resulting from the I/I Offset Program for a minimum of three (3) years, whether or not such information was required by the Program. The period of retention shall be extended during the course of any unresolved dispute. The records shall be made available for inspection and copying by the Board.

### **§13.18 REPORTING REQUIREMENTS – MUNICIPAL USERS**

Each Municipal User shall retain records as to the status of the implementation and management of I/I Remediation Projects within its jurisdiction under this I/I Offset Program and submit them to the Bank Administrator on at least an annual basis. The Board will make provisions for these records to be retained and made available for public inspection by regulatory agencies and other interested parties as to the status of the implementation and management of this I/I Offset Program. Records shall include the following information:

- (1) Prioritized list of identified/available I/I Remediation Projects in the Municipal Users' public sewage collection systems and private property.
- (2) I/I Remediation Projects completed on the Municipal Users' public sewage collection systems and private property within its incorporated boundaries, describing the remediation work performed and estimated I/I removed. If not previously furnished, provide completed certification letter for I/I Remediation Projects completed (see Appendix A for letter format).
- (3) List of applications for proposed new or modified sewer connections and sewer extensions to the Municipal Users' public sewer systems.
- (4) List of new or modified sewer connections and sewer extensions completed since January 1, 2013, the date when this Program went into effect.

### **§13.19 REPORTING REQUIREMENTS – THE BOARD**

The Board shall make provisions for records to be retained and made available for public inspection by the regulatory agencies and other interested parties as to the status of the implementation and management of Sewer Flow Credit Bank. Records shall include the following information:

- (1) Bank ledger including flow credit balances, flow credits deposited and withdrawn, flow credit notes outstanding, and flow credits purchased/transferred.

*(continues on the next page)*

- (2) Certification letters of completed I/I Remediation Projects.
- (3) Notification letters of completed new or modified sewer connections.

The Board shall issue an Annual Statement that reports the activities of the preceding year. The Annual Statement shall be intended to give Municipal Users, regulatory agencies and other interested people information about the I/I Offset Program's status.

The Annual Statement shall include, but not be limited to:

- (1) Treatment Plant Flow Information
- (2) Summary of New/Modified Sewer Connection Applicants
- (3) Summary of I/I Remediation Projects
- (4) Status of Flow Credit Notes Outstanding
- (5) Record of Bank Credits, Debits and Transfers

The Bank Administrator shall issue the Annual Statement to credit holders and municipal users. The annual statements of the flow credits shall be provided by I/I Remediation Basin, and each credit holder shall receive a statement for the I/I Remediation Basin from which they hold credits.

### **§13.20 ADMINISTRATIVE PROCEDURES**

The provisions of Article IV of the Joint Sewage Treatment Plant Law and Article 3 of the Joint Sewage Treatment Plant Law Rules and Regulations shall govern all matters proceeding pursuant to this Article.



**APPENDIX A – MUNICIPAL USER CERTIFICATION LETTER FORMAT**

Date

Sewer Flow Credit Bank Administrator  
Binghamton-Johnson City Joint Sewage Board  
4480 Vestal Road  
Vestal, NY 13850

Re: I/I Remediation Project (State Specific Name from I/I Remediation Project Engineering Report)

Dear Sewer Flow Credit Bank Administrator:

This letter is to confirm that the above referenced I/I Remediation Project was completed in accordance with the Engineering Report. Therefore \_\_\_\_\_ gallons per day flow credits have been earned.

As documentation of this completed I/I Remediation Project please find attached the record drawings and construction photos.

OR

This letter is to confirm that the above referenced I/I Remediation Project was completed; however with variance with the original Engineering Report.

Please find attached the revised Engineering Report that reflects the actual I/I Remediation Project. Therefore \_\_\_\_\_ gallons per day flow credits have been earned.

As documentation of this completed I/I Remediation Project please find attached the record drawings and construction photos.

I hereby affirm that information provided in this letter and the attached exhibits is true to the best of my knowledge and belief.

\_\_\_\_\_  
Owner or Outside User Representative Signature

cc: Owner (applicable to Outside User that discharges to or through an Owners sewage collection system)

## ARTICLE 14

### CAPACITY, MANAGEMENT, OPERATION AND MAINTENANCE (CMOM) PROGRAM

*(Article added by amendment approved August 28, 2012, effective January 1, 2013;  
and amended April 14, 2015, effective July 1, 2015)*

#### §14.01 AUTHORITY

The Binghamton-Johnson City Joint Sewage Board (Board), having an approved Flow Management Plan, as required under a series of administrative consent orders by the New York State Department of Environmental Conservation (NYS-DEC) to manage and provide for treatment of wastewater flows, is the local authority for the requirements of and implementation of the Capacity, Management, Operation, and Maintenance (CMOM) Program.

#### §14.02 PURPOSE AND GOALS

The purpose of this Article is to control wastewater flow to the Binghamton-Johnson City Joint Sewage Treatment Plant (“Treatment Plant”), and maintain compliance with the City of Binghamton’s and the Village of Johnson City’s Combined Sewer Overflows Long-Term Control Plan, as required by the U.S. Environmental Protection Agency (US-EPA).

The CMOM Program will promote consistent use of current industry standards for the operation and maintenance of the sewage collection system throughout the area, tributary to the Binghamton-Johnson City Joint Sewage Treatment Plant.

The Goals of the CMOM Program include:

1. Elimination of Sanitary Sewer Overflows (“SSO”) unless under extreme occurrences
2. No increase in Combined Sewer Overflow (“CSO”) volume
3. Reductions in peaking factors and base infiltration and inflow rates as documented by the BJCJSB’s Flow Metering Program. There are no required numeric criteria for the reduction of peaking factor or quantity of base I/I, but infiltration and inflow should not increase and should follow a downward trend. Baseline conditions shall be the 2008 flow metering data as presented in the September 2009 Flow Management Evaluation Report – Appendix C (approved by NYS-DEC in October 2009.)

### **§14.03 EFFECTIVE DATE**

The effective date of this CMOM Program regulation is January 1, 2013.

### **§14.04 SCHEDULE AND GENERAL REQUIREMENTS**

Not later than the end of nine months after the effective date the Municipal User shall document existing and new CMOM efforts in a CMOM Program Document in accordance with this Article and the United States Environmental Protection Agency (US-EPA) Guide for Evaluation Capacity, Management, Operation, and Maintenance (CMOM) Programs for Sanitary Sewer Collection Systems, January 2005 or latest revision, subject to review and comment by the Board. Within the CMOM Program Document, the Municipal User shall provide a status (either “complete” or “incomplete”) for each CMOM Program Requirement (refer to Section 14.06). For CMOM Program Requirements that are incomplete, the Municipal User shall provide an implementation schedule or justification that the requirement does not apply in the CMOM Program Document.

A status of the implementation schedule of CMOM Program Requirements shall be updated by the Municipal User annually as part of the Annual Sewer-Capital Improvement Plan (refer to Section 14.06.01 - Annual Sewer-Capital Improvement Plan) and submitted to the Board.

The CMOM Program Document shall be submitted to the Board and NYS-DEC on or before October 1, 2013. The CMOM Program Document shall be updated and submitted to the Board and NYS-DEC as needed, but no less frequently than once every five years due to the Board on or before October 1, 2018.

### **§14.05 DEFINITIONS**

Except as otherwise defined below, technical terms used in this Article shall have the meanings stated in Section 2.01 of Article 2. Whenever used in this Article, the following terms and their corresponding definitions shall apply only in this Article, unless otherwise expressly stated or required by subject matter or context:

*(Subparagraph amended April 14, 2015, effective June 1, 2015)*

“Annual Sewer-Capital Improvement Plan” shall mean the written document including description and schedule of work to repair defects found during the annual inspection of the previous year.

“Area tributary to” refers to a series of pumping stations, forcemains and gravity sewers owned by various municipalities that together convey wastewater to a specific location, such as the Treatment Plant or a combined sewer overflow, in the sewage collection system.

“As-built/Record Drawing” shall mean a complete set of drawings, which depicts the actual as-built conditions of the completed construction, provides the user with a permanent record of each project feature.

“Board” or “Joint Sewage Board” shall mean the Binghamton-Johnson City Joint Sewage Board, established under the contract between the City of Binghamton and the Village of Johnson City

for the operation of the joint wastewater treatment facilities. The term includes any duly authorized designee, agent, or representative of the Board.

“Capacity Assurance” refers to operation and maintenance, projects and programs that adequately preserve and or enhance the capacity of the sewage collection system to transport current and future wastewater flows.

“Capacity, Management, Operation, and Maintenance (CMOM) Program” shall mean the program used by Municipal Users to operate and manage the sewage collection system. The CMOM program consists of a set of best management practices that have been developed by the industry and are applied over the entire life cycle of the sewage collection system and treatment plant. These practices include: designing and construction for operation and maintenance; knowing what comprises the system (inventory and physical attributes); knowing where the system is (maps and location); knowing the condition of the system (assessment); planning and scheduling work based on condition and performance; repairing, replacing, and rehabilitating system components based on condition and performance; managing timely, relevant information to establish and prioritize appropriate CMOM activities; and training of personnel.

“CMOM Program Document” shall mean the written document which includes all of the elements of the CMOM Program as outlined in its definition and the United States Environmental Protection Agency (US-EPA) EPA 305-B-05-002 “Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems”, January 2005 or latest revision.

“CMOM Program Requirements” shall mean all elements in the US-EPA’s “Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems.”

“Effective date” shall mean the date upon which an act of legal significance such as an Agreement or a contract is considered to take effect and which may be different from the date upon which the event described therein actually occurs or is recorded.

“Emergency work” shall mean activities (typically repairs) performed in response to serious equipment or line failure where action must be taken immediately.

“Extreme Occurrences” – refers to infrequent SSOs and other non-compliance events that based on regulatory discretion do not result in an enforcement action.

“Flow Management Plan” is specific to the Third Modification Consent Order (Case #R7-0580-90-12) between the New York State Department of Environmental Conservation and respondents City of Binghamton, Village of Johnson City, and the Binghamton-Johnson City Joint Sewage Board, and refers to the written document approved by the New York State Department of Environmental Conservation on February 29, 2012 which describes a programmatic approach to convey to and receive and treat at the Treatment Plant the wastewater and ensure current and future flows receive adequate treatment.

“Flow Monitoring” shall mean the collection of flow measurement information utilizing flow metering instruments and visual inspections, referencing the Board’s Flow Metering Program.

“flow-through costs” refers to the fee charged by a Municipal User to another Municipal User for the use of their sewage collection system to transport sewage to the treatment facility.

“hydrogen sulfide” shall mean a colorless, flammable poisonous gas, H<sub>2</sub>S, having a characteristic rotten-egg odor and used as an antiseptic, a bleach, and a reagent.

“Industry Standards” shall mean a set of criteria within an industry relating to the standard functioning and carrying out of operations in their respective fields of production.

“Infiltration/Inflow” or I/I shall mean the total quantity of water from both Infiltration and Inflow, without distinguishing the source.

“Infiltration” shall mean water, other than sewage, that enters a sewage collection system, (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, Inflow.

“Inflow” shall mean water, other than sewage, that enters a sewage collection system, (including sewer service connections) from sources such as: roof leaders; cellar drains; sump pumps; missing or defective cleanout caps; swimming pools; yard drains; area drains; foundation drains; drains from springs and swampy areas; manhole covers; cross connections between stormwater sewers and sanitary sewers; catch basins; cooling towers; stormwaters; surface runoff; street wash waters; or drainage. Inflow does not include, and is distinguished from, Infiltration.

“Management Information Systems” refers to the process to maintain access to the most current information concerning the facilities. A management information system maintains preventive maintenance and inspection schedules; tracks repairs and work orders; organizes capital replacement plans; manages tools and equipment inventories; creates purchase orders; records customer service inquiries, complaints, or requests; provides measurement of effectiveness of program and O&M activities.

“Modeling” shall mean calculations which are available that are capable of simulating the different flows within the sewage collection system. The purpose of modeling is to determine system capacity requirements with respect to sewer design and structural conditions.

“Municipal User” shall mean a municipality or government entity which owns, or has jurisdiction over, any public sewer which conveys wastewater to the Treatment Plant.

“Peaking Factor”, when used in Article 14 of these rules and regulations, shall mean the ratio of [i] wet weather wastewater flow during a rainstorm or snowmelt event to [ii] typical dry weather wastewater flow at the same time of day and for the same duration. Can be expressed as “instantaneous” or “volumetric”.

*(Definition amended by amendment adopted April 14, 2015, effective June 1, 2015)*

“Planned Maintenance” shall mean a program which is a systematic approach to performing maintenance activities so that equipment failure is avoided. Planned maintenance is composed of predictive and preventative maintenance.

“Planned, but not routine” shall mean “predictive maintenance” work which is a method that tries to look for early warning signs of equipment failure such that emergency maintenance is avoided.

“Public information” – refers to the sharing of facts with community residents to keep the residents informed and to receive comment from the residents.

“Routine work” shall mean “preventative maintenance” work which consists of scheduled maintenance activities performed on a regular basis.

“Sanitary Sewer Overflow” or SSO shall mean a discharge of untreated wastewater from a sewage collection system designed for sewage only, including infiltration and inflow in excess of the capacity of the sewage collection system, resulting in untreated wastewater discharges from the sewage collection system.

“Satellite Community” shall mean a municipality or government entity that owns a sewage collection system but does not own the treatment facility to which it discharges.

“Sewage” shall mean the water-carried domestic human or animal waste from residences, industrial and commercial establishments, together with industrial and commercial waste. Neither infiltration nor inflow are components of “sewage”.

“Sewage Collection System” shall mean all facilities for collecting, regulating, pumping, and transporting, sewage. May be a sanitary sewer system or, where permitted by the NYS-DEC, a combined sewer system.

“Sewer System Inspection” shall mean the visual inspection of manholes and pipelines, utilizing various inspection techniques including lamping, camera inspection, sonar, and closed circuit television (CCTV), referencing National Association of Sanitary Sewer Companies (NASSCO) standards.

“Sewer System Testing” shall mean using testing techniques to identify leaks which allow unwanted infiltration into the sewer system and determine the location of illicit connections and other sources of stormwater inflow. Two commonly implemented techniques include introduction of harmless smoke (smoke testing) and dye (dye testing) into sewers to help identify illegal connections of stormwater sources to the sanitary sewer.

“Treatment Plant” shall mean the Binghamton-Johnson City Joint Sewage Treatment Plant.

“Unplanned Maintenance” shall mean work that takes place in response to equipment breakdowns or emergencies. Unplanned maintenance may be corrective or emergency maintenance (emergency work). Corrective maintenance could occur as a result of preventative or predictive maintenance activities which identified a problem situation.

“Wastewater” is the composite of all flow constituents conveyed in a sewer including sewage and infiltration and inflow.

“Water Quality Monitoring” shall mean the collection and analysis of wastewater, stormwater or ambient water such as creeks, rivers or ponds.

“Work Order System” shall mean a comprehensive system which tracks repairs and work orders. The system should clearly define: how the maintenance data management system works; how work orders are generated and distributed; how field crews use the work orders; how data from the field is collected and returned; and how and on whose authority work orders are closed out.

#### **§14.06 PROGRAM REQUIREMENTS**

Throughout this regulation there are references to schedules and submittal dates for the program requirements. These schedules and submittal dates can be changed and/or extended if the Municipal User can demonstrate a “high burden” category based on the preceding fiscal year’s data according to the United States Environmental Protection Agency’s 1997 publication “*Combined Sewers Overflows - Guidance for Financial Capability Assessment and Schedule Development.*” The results of the financial analysis along with a revised schedule of program requirements shall be submitted to the Board for approval. The Board shall provide approval or approval-with-conditions within 60 days of receipt of the results and revised schedule.

##### **§14.06.01 ANNUAL SEWER-CAPITAL IMPROVEMENT PLAN**

The CMOM Program Document shall include or reference an Annual Sewer-Capital Improvement Plan that provides a description and schedule of work to repair defects found during the annual inspections of the previous year. The schedule shall include budgeting and when budget will be allocated, and design and construction schedules. So that project status can be tracked, especially for projects that require multiple years, a summary table that provides the status of each project from current and previous years shall be provided. The Annual Sewer-Capital Improvement Plan shall be submitted to the Board by April 1 of each year beginning with the first year following the calendar year in which this Article becomes effective.

##### **§14.06.02 SEWER SYSTEM CAPACITY EVALUATION**

###### **(a) Flow Monitoring**

The CMOM Program Document shall describe all current and future planned flow monitoring work that applies and shall, at a minimum, reference:

1. The Board’s Flow Metering Program

###### **(b) Capacity Assurance**

The CMOM Program Document shall identify existing capacity problems, and describe all current and future planned capacity assurance tools that apply and shall, at a minimum, reference:

1. User’s Sewer System Modeling Program (refer to Section 14.06.04g - Modeling)
2. Board’s Infiltration/Inflow Offset Program (refer to Article 13 – I/I Offset Program)

###### **(c) Sewer System Testing**

The CMOM Program Document shall describe existing and future planned smoke testing or dye testing work, which includes methods for smoke test/dye test throughout the sewer system.

Smoke testing and dye testing shall be implemented on an as needed basis to find suspected inflow sources or on street improvement projects. Methods shall be based upon industry standards and updated by the Municipal User from time-to-time.

(d) Sewer System Inspection

The CMOM Program Document shall describe existing and future planned manhole inspection or televising inspection programs. Manholes and sewers shall be inspected by an individual certified by National Association of Sewer Service Companies (NASSCO) Manhole Assessment Certification Program (MACP) and/or Pipeline Assessment Certification Program (PACP). Either internal staff or contractor shall use the most current NASSCO standards for manhole and sewer assessment. The CMOM Program Document shall include a schedule of the length of pipe and number of manhole to be inspected. The Municipal User is required to perform annual sewer inspections, which shall consist of cumulative five percent of non-inspected sewers per year per inspection cycle with goal of televising every sewer within a cycle not longer than 25 years. Main trunk sewers and sewers with known defects shall be televised before the remaining sewers. Manholes and sewers known to have significant structural failure or infiltration, according to the NASSCO standards shall be inspected every five years until the defect is repaired, then inspected on the cycle not longer than 25 years.

**§14.06.03 SEWER SYSTEM MANAGEMENT**

(a) Sewer System Information

The CMOM Program Document shall give description of the sewer system including the following information:

1. Length of sewer pipe by diameter (inventory) by age (original vs. extensions)
2. Date of original sewer system installation
3. Planametric maps showing manhole and pipe location, pipe size and pipe slope

(b) Organizational Structure

The CMOM Program Document shall include organization structure and job descriptions of each position by providing an organization chart, job descriptions of each position, a description of the type of sewer work performed, number of hours of each position dedicated to sewer work and an explanation of why this is an appropriate staff and level of service to operate and maintain sewer system.

(c) Training

The Municipal User shall provide appropriate training to staff to operate and maintain the sewer

*(continues on the next page)*

system; five types of training are required:

1. Annual NYS Public Employee Safety and Health (PESH) Safety Training Courses (all staff)
2. Water Environment Federation Collection System Certification (one staff member)
3. NYSDEC Endorsed Training in the Principles and Practices of Erosion and Sediment Control (one staff member)
4. Annual Review of CMOM Program, Sewer Installation and Repair Specifications or Codes AND 10-State Standards (all sewer staff)
5. National Association of Sewer Service Companies (NASSCO) Manhole Assessment and Certification Program (MACP) and Pipeline Assessment and Certification Program (PACP). This is not required if sewer system inspections are contracted to NASSCO MACP and PACP certified contractor.

The CMOM Program Document shall describe the types of training provided to staff and whether training is a program or On-the-Job (OTJ). With respect to the PESH Safety Training Courses, the CMOM Program Document shall describe and explain the courses selected based on actual work type performed (refer to Section 14.06.03 (b)).

(d) Communication

The CMOM Program Document shall include or reference a Communication Plan, which includes methods for communicating to the public (1) routine work, (2) planned but not routine work, (3) emergency work, and (4) public information. Depending on size of sewer system, daily or weekly planned staff meetings are required by the Municipal User for routine work. For non-routine work, staff meetings are required to discuss work scope, specifications and safety by Municipal User. The Municipal User is required to have a single point of contact for communication between internal departments and also in emergency conditions and public information. The Municipal User shall update the Communication Plan annually and submit that update to the Board by April 1 of each year.

(e) Customer Service

The CMOM Program Document shall describe how customer complaints relevant to the operations and maintenance of the sewage collection system are resolved and documented in the CMOM Program Document. Include such descriptions in the Work Order System described below.

(f) Work Order System

The CMOM Program Document shall describe how work requests are implemented and confirm that planned and unplanned maintenance or repairs are documented using a work order form. The Municipal User shall have a Work Order System which shall be the basis to initiate the work, describe the problem and solution, and close the work. The Work Order System shall include routine operations and maintenance (O&M) and planned and unplanned maintenance or repairs. Documentation of routine O&M that follow a standard operation procedure (SOP) can be done using log sheets or logbooks of O&M efforts.

(g) Management Information Systems

The CMOM Program Document shall describe how work requests are managed. The Information System shall include the type of work reports (log sheets or work order forms) used, how records are kept, and the technology that is used for the Management Information System.

(h) Sanitary Sewer Overflow (SSO) Notification Program

The CMOM Program Document shall include or reference a Sewer Overflow Response Plan (SORP). The NYS-DEC SORP template, [www.dec.ny.gov/docs/water\\_pdf/modelsorp.pdf](http://www.dec.ny.gov/docs/water_pdf/modelsorp.pdf) shall be used as a basis for the SORP. This SORP template shall be modified to also include emergency response to wastewater related incidents. The modified document shall be called the Sewer Overflow and Emergency Response Plan (SOERP). The Plan shall be updated by the Municipal User annually by April 1 of each year (refer to Section 14.06.04 e. – Emergency Preparedness and Response).

(i) Legal Authority of Municipal User

The CMOM Program Document shall specify if the sewer system owned by the Municipal User receives wastewater from another Municipal User or Satellite Community, and if so that there is agreement between the two Municipal Users or the Municipal User and the Satellite Community. Such a written agreement is required, and a copy shall be submitted to the Joint Sewage Board. The agreement must require that the Satellite Community follow a Sewer Use Ordinance that is in compliance with Board’s requirements or follow a Sewer Use Ordinance that is equal to the downstream Municipal User’s, which ever is more stringent. All Sewer Use Ordinances must reference the Rules and Regulations Relating To Use Of The Binghamton-Johnson City Joint Sewage Treatment Plant issued by The Binghamton-Johnson City Joint Sewage Board, 1997 as thereafter amended (BJCJSB Rules and Regulations).

**§14.06.04 SEWER SYSTEM OPERATION**

(a) Budgeting

The CMOM Program Document shall address and describe the following:

1. Person responsible for preparing budget
2. Average annual cost for residential users including, O&M and capital costs for the sewer system, and annual cost for wastewater including proportionate shares of WWTP operation and “flow-through” costs for using City of Binghamton and or Village of Johnson City’s sewer systems.
3. How monies are collected to finance the O&M and capital costs of the sewer system (for example, quarterly fee billings to property owners, property tax levy, *ad valorem* assessments, etc.).
4. Whether sufficient funds are raised from revenue to fully fund the sewer system use.
5. Annual O&M budget and annual long-term capital cost (including bonding) and whether costs for O&M are separated from other utility services (water, storm water, treatment).

(b) Water Quality Monitoring

The CMOM Program Document shall describe all water quality monitoring that applies.

1. Industrial Pretreatment Monitoring (refer to Article 6 - Industrial Wastewater Pre-Treatment Program)
2. Sanitary Sewer Overflow Monitoring (refer to Section 14.06.03 h - SSO Notification Program)
3. Combined Sewer Overflow Monitoring – Outfall and Receiving Water

(c) Hydrogen Sulfide Monitoring and Control

The CMOM Program Document shall describe existing and future planned hydrogen sulfide monitoring and control program and process for eliminating odors and corrosion in the sewer system.

Within one year of the effective date of this Article, and every five years thereafter, the Board shall make inspections for hydrogen sulfide at the manhole locations where sewers cross municipal boundaries or enter the Board's facilities to determine if hydrogen sulfide is present. If, according to a NASSCO MACP certified person, the manhole shows signs of corrosion or there are odors of hydrogen sulfide present, then the Board shall sample the manhole air for hydrogen sulfide concentrations. If the average hydrogen sulfide concentration is greater than 1ppm or exceeds 5 ppm for any one sample, then the Municipal Users shall develop and implement a hydrogen sulfide control plan or justification of why a hydrogen sulfide control plan is not warranted.

(d) Safety

The CMOM Program Document shall include or reference a Health and Safety Plan. Required safety equipment shall be identified in Health and Safety Plan and made available. Identify existing staff safety education. Annual PESH Law Safety Training is required. The Health and Safety Plan shall be updated by the Municipal User annually by April 1 of each year.

(e) Emergency Preparedness and Response

The CMOM Program Document shall include or reference an Emergency Management Plan specific to wastewater as part of the Sewer Overflow and Emergency Response Plan (SOERP) (refer to Section 14.06.03 h - SSO Notification Program). The SOERP shall be updated and provided to the Board by the Municipal User annually by April 1 of each year. Provide emergency contact numbers which shall be verified and updated more regularly, if needed.

(f) Mapping

The CMOM Program Document shall describe the state of the sewer system as-built/record drawing repository, including sewers, manholes, pumps, siphons and other special structures. Describe where drawings are stored, who uses them and what information they contain. The Municipal User shall have a single repository for as-built/record drawing of the sewer system. An inventory summary of drawings is required. Such repository shall be complete and

up-to-date and updated by the Municipal User annually by April 1 of each year to be within 12 months of current.

Historic as-built/record drawings shall be submitted to the Board by April 1, 2015, and new drawings submitted to Board annually thereafter by April 1, preferably in GIS-compatible format. If no new drawings have been developed during the annual reporting period, a “negative report” letter shall be provided to the BJCJSB.

(g) Modeling

The CMOM Program Document shall identify existing and future planned sewer system model(s). At a minimum, by January 1, 2015, a table with the following Municipal User’s information is required to be submitted to the Board:

1. pipe ID
2. pipe diameter
3. pipe slope
4. pipe material
5. pipe age
6. upstream and downstream manhole ID.

The table shall be updated by the Municipal User annually and submitted to the Board by April 1 of each year beginning in the calendar year following the initial submission.

(h) New Sewer Construction and Sewer Rehabilitation

The CMOM Program Document shall describe how new construction is planned, designed, managed and documented. In the CMOM Program Document, identify the person responsible to ensure that as-built/record drawings (refer to Section 14.06.04 f -Mapping) and modeling information (refer to Section 14.06.04 g - Modeling) are developed concurrently with new construction. It is required that trained staff or contractor following specifications and codes be responsible for construction of new sewers. Sewer installation and repair specifications or codes and according to the most recent edition of the, “*Recommended Standards for Wastewater Facilities, Policies for the Design, Review, and Approval of Plans and Specifications for Wastewater Collection and Treatment Facilities*”, by the Committee of the Great Lakes--Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, shall be used. Staff or engineer with requisite qualifications/training shall perform inspections. Required tests shall be performed on new sewers and manholes per the applicable specification and codes.

(i) Pump Stations

The CMOM Program Document shall identify the following information:

1. Number of pump stations in the sewer system.

(continued)

2. Existing emergency by-passes and whether they are permitted by NYS-DEC.
3. Individual responsible for operation and maintenance shall be trained staff or engineer or contractor following written specification.
4. Types of inspections/maintenance performed daily/weekly/monthly, etc. Each Pump Station must have an O&M Manual including a Wet-Weather Operating Plan, by April 1, 2014, updated at least every five years thereafter.
5. How maintenance is tracked (Logbook or log sheets are required)
6. Pump station back-up power. If the pump station does not have back-up power, document procedures to provide emergency power (mobile generator/source for same, etc. in emergency procedure, below)
7. Procedure in case of overflows and emergencies which shall be coordinated with Sewer Overflow and Emergency Response Plan (SOERP) (refer to Section 14.06.04 e. – Emergency Preparedness and Response)
8. Location of equipment O&M manuals.

#### **§14.06.05 EQUIPMENT AND SEWER SYSTEM MAINTENANCE**

##### **(a) Planned and Unplanned Maintenance**

The CMOM Program Document shall describe planned maintenance (predictive and preventative) and unplanned maintenance (corrective and emergency) for sewer pipes and CSOs (if applicable). Pump station O&M shall be as documented in O&M Manual (refer to Section 14.06.04 i – Pump Stations). Pump station O&M manuals shall be updated by the Municipal User from time to time.

##### **(b) Sewer Cleaning**

The CMOM Program Document shall describe existing and future planned frequency of sewer cleaning. Cleaning shall be completed as needed or with televising. Trained staff or qualified contractor shall be responsible for cleaning.

##### **(c) Parts and Equipment Inventory**

The CMOM Program Document shall provide written lists of spare parts, equipment and supplies and identify whether sources of supply are kept updated. Define and/or describe available storage for spare parts, equipment and supplies, individual(s) responsible for maintaining supplies and existing inventory documentation procedures.

#### **§14.07 REPORTING REQUIREMENTS**

CMOM Program Document is due to the Board and NYS-DEC by October 1, 2013 and as needed but no less frequently than once every five years by October 1.

Annual Sewer-Capital Improvement Plan is due to the Board by April 1 of each year starting April 1, 2014.

The Communication Plan shall be updated annually and submitted to the Board by April 1 of each year starting April 1, 2014.

Historic as-built/record drawings shall be submitted to the Board by April 1, 2015, and new drawings submitted to Board annually thereafter by April 1. If no new drawings have been developed during the annual reporting period, a “negative report” letter shall be provided to the Board.

Sewer System Model Table shall be submitted to the Board by January 1, 2015, and shall be updated annually and submitted to the Board by April 1 of each year beginning in the calendar year following the initial submission. If no changes to the sewer system have occurred during the annual reporting period, a “negative report” letter shall be provided to the Board.

Agreement(s) between Municipal User and Satellite Community shall be submitted to the Board by April 1, 2014, and resubmitted as amended.

#### **§14.08 ADMINISTRATIVE PROCEDURES**

The provisions of Article 4 of the Joint Sewage Treatment Plant Law and Article 3 of the Joint Sewage Treatment Plant Law Rules and Regulations shall govern all matters involving proceedings pursuant to this Article.

*(Article added by amendment approved August 28, 2012, effective January 1, 2013)*

*(this page blank intentionally)*