

**City of Cortland, New York
Amendment to the Charter**

**Law to amend Charter, Chapter C, Article XVII Department of Wastewater
Treatment of the City of Cortland, New York.**

DATE

Proposed by: Mayor Tobin

Sponsored: Alderman

Co-Sponsored: Alderman

NOW, THEREFORE,

Let it be enacted by the City of Cortland Common Council, Cortland County, New York, as follows:

Section 1. Title.

This article will be known as the "Article XVII Department of Wastewater Treatment" and will be referred to as such in this chapter.

Section 2. Findings and statement of purpose.

A need to amend the existing charter. The amendment is necessary to modify existing law to better fit the present duties and responsibilities of the Wastewater facility. The amendment further documents progressive changes in the operation of the facility. It further recognizes the efforts the City has made in updating the facility to be environmentally current and efficient.

AMENDMENTS

City of Cortland, NY
Wednesday, January 7, 2015

Chapter C. CHARTER

Article XVII. Department of Wastewater Treatment

§ C17-1. Establishment; Chief Operator; qualifications.

There shall be a Department of Wastewater Treatment headed by a ~~Chief Operator~~ ^{the Superintendent of Wastewater} who shall be appointed by the Mayor pursuant to the procedure as set forth in § ~~C4-3C~~. He shall be qualified on the basis of his training and experience and be a New York State Operator of a wastewater treatment plant. Unless otherwise provided in this Charter, he shall be directly responsible to the Mayor.

§ C17-2. Powers and duties of Chief Operator.

The Chief Operator of the Department of Wastewater Treatment shall have the powers and duties to:

- A. Organize and supervise the activities of the Department with respect to:
 - (1) Administration, operation and maintenance of the entire treatment plant.
 - (2) Work schedules of all subordinate personnel.
 - (3) Review and interpretation of operating reports and laboratory data relating to plant operations.
 - (4) Supervision of training, safety and staff development programs.
 - (5) Keeping and maintaining of necessary records, such as an inventory of supplies, chemicals and equipment.
- B. Hire and discipline subordinate personnel in accordance with applicable laws.
- C. Prepare specifications for major expenditures, including major equipment purchases.
- D. Enforce sewer use ordinances, including but not limited to monitoring all wastewater discharges, wastewater volume determinations, the issuance of permits and initiation of penalties for violations.
- E. Prepare contractual and industrial sewer use bills as required.
- F. Prepare and submit monthly, quarterly and yearly reports to federal, state, local and other agencies as required.
- G. Prepare annual estimates of revenues and proposed expenditures and capital program requests and make recommendations to the Council with the assistance of the Wastewater Treatment Board regarding the sewer user fees to be charged users within the City.

- H. Provide a means whereby any user aggrieved by his sewer charge can present his grievance for adjudication.
- I. Maintain effective communications and working relationships with employees, governmental officials and the general public.
- J. Perform such other duties as requested by the Mayor or as otherwise may be authorized.

§ C17-1 Establishment; Superintendent of Wastewater; qualifications.

There shall be a Department of Wastewater Treatment headed by a Superintendent of Wastewater who shall be appointed by the Mayor pursuant to the procedure as set forth in § C4-3C. He shall be qualified on the basis of his training and experience and be licensed as a New York State Wastewater Operator at a grade level commensurate with the City's treatment plant. Unless otherwise provided in this Charter, he shall be directly responsible to the Mayor.

§ C17-2 Powers and duties of Superintendent of Wastewater.

The Superintendent of Wastewater shall have the powers and duties to:

- A. Organize and supervise the activities of the Department of Wastewater with respect to:
 - (1) Administration, operation and maintenance of the entire treatment plant.
 - (2) Work schedules of all subordinate personnel.
 - (3) Review and interpretation of operating reports and laboratory data relating to plant operations.
 - (4) Supervision of training, safety and staff development programs.
 - (5) Keeping and maintaining of necessary records, such as an inventory of supplies, chemicals and equipment.
- B. Hire and discipline subordinate personnel in accordance with applicable laws.
- C. Prepare specifications for major expenditures, including major equipment purchases.
- D. Enforce sewer use ordinances, including but not limited to monitoring all wastewater discharges, wastewater volume determinations, the issuance of permits and initiation of penalties for violations.
- E. Prepare contractual and industrial sewer use bills as required.
- F. Prepare and submit monthly, quarterly and yearly reports to federal, state, local and other agencies as required.
- G. Prepare annual estimates of revenues and proposed expenditures and capital program requests and make recommendations to the Council with the assistance of the Wastewater Treatment Board regarding the sewer user fees to be charged users within the City.
- H. Provide a means whereby any user aggrieved by his sewer charge can present his grievance for adjudication.
- I. Maintain effective communications and working relationships with employees, governmental officials and the general public.
- J. Perform such other duties as requested by the Mayor or as otherwise may be authorized

§ C17-5 Powers and duties of Wastewater Treatment Board.

The Wastewater Treatment Board shall have the powers and duties to:

- A. Submit to the Mayor the names of at least three qualified candidates, if there are three qualified candidates on the list of names reviewed and evaluated pursuant to § C4-3C for the position of Superintendent of Wastewater.
- B. Be advised of all appointments of subordinate personnel made by the Superintendent of Wastewater and review, at his request or as the Board may deem necessary, disciplinary matters.
- C. Review the estimates of revenues and proposed expenditures and capital program of the Department and make recommendations to the Mayor and Capital Program Committee, respectively.
- D. Adjudicate grievances presented by any user aggrieved by his sewer charge. The Board shall have the power to affirm or modify the sewer charge, must state its reasons for its decisions in writing and shall order that a refund be paid to the grievant if its decision involves modification of the sewer charge.
- E. Review all complaints by citizens and, with the Superintendent of Wastewater, devise solutions to valid problems in Department operations.
- F. Counsel the Superintendent of Wastewater on the administration and operations of the Department as he or the Mayor may request or as the Board deems necessary.

§ 289-2 Definitions.

A. Unless otherwise defined herein, terms shall be as adopted in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by Standard Methods unless expressly stated or as established by federal or state regulatory agencies.

B. As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATOR

The Superintendent of Wastewater or his designated representative.

AGENCY

The City of Cortland Department of Wastewater Treatment.

BENEFICIAL USES

Uses of the waters of the state that may be protected against quality degradation, including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves and other uses, both tangible or intangible as specified by federal and state law.

BUILDING SEWER

A sewer conveying wastewater from the premises of a user to a community sewer.

COMMUNITY SEWER

A sewer owned and operated by the agency tributary to a treatment facility operated by the agency.

COOLING WATER

The water discharged from any system of condensation, air conditioning, cooling refrigeration or other sources. It shall contain no polluting substances which would produce BOD₅ or suspended solids each in excess of 10 milligrams per liter, or of toxic substances as limited in Article II.

FEDERAL ACT

The Federal Water Pollution Act, PL 92-500, and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Act.

GARBAGE

Animal and vegetable wastes from the preparation, cooking and disposing of food and from the handling, processing, storage and sale of food.

HOLDING TANK WASTE

Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INDUSTRIAL USER

Any nongovernmental user of publicly owned treatment works identified in any of the following divisions of the Standard Industrial Classification Manual, 1972, Office of Management and Budget:

Division A

Agriculture, Forestry and Fishing

Division B

Mining

Division D

Manufacturing

Division E

Transportation, Communication, Electric, Gas and Sanitary Services

Division I

Services

INDUSTRIAL WASTES

Any liquid, gaseous or solid substances, or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from development or recovery of natural resources.

INDUSTRY

Any establishment which uses water in a product or generates a wastewater during any period of production.

INFILTRATION

The water entering a sewer system, including sewer service connections, from the ground, through such means as but not limited to defective pipes, pipe joints, connections or manhole walls. "Infiltration" does not include, and is distinguished from, inflow.

INFLOW

The water discharged into a sewer system, including service connections from such sources as but not limited to roof leaders, cellar, yard and area drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, stormwaters, surface runoff, street wash waters or drainage. "Inflow" does not include and is distinguished from infiltration.

INTERFERENCE

A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the agency's wastewater collection and/or treatment system, including its wastewater treatment processes or operations and its sludge treatment processes, use or disposal; and
- (2) Therefore, is a cause of a violation of any requirement of the agency's State Pollutant Discharge Elimination System (SPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with applicable federal, state and local regulations.

MAJOR CONTRIBUTING INDUSTRY

Any wastewater contributor identified in the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E and I that:

- (1) Has a discharge flow of 50,000 gallons or more per average workday (if seasonal, the average shall be computed on the period of use); or
- (2) Has a flow or pollutant loading greater than 5% of the design capacity of the agency's treatment works; or

(3) Has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972; or

(4) Is found by the agency's authorized representative to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

MASS EMISSION RATE

The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, a mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

PASS-THROUGH

A discharge which exits the agency's wastewater collection and treatment system into water 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 agency's SPDES permit (including an increase in the magnitude or duration of a violation).

PERSON

Any individual, firm, company, partnership, association and private, public and municipal corporations' responsible corporate officer, the United States of America, the State of New York, districts and all political subdivisions, governmental agencies and mandatories[1] thereof.

POLLUTANTS

Shall mean, or may be defined now or hereafter by appropriate local, state or federal authorities or by the Commissioner as, substances which may be present in wastewater, whether gaseous, liquid or solid, the amount which may contain soluble or insoluble solids of organic or inorganic nature which may deplete the dissolved oxygen content of natural waters, contribute solids, contain oil, grease or floating solids which may cause unsightly appearance on the surface of such waters or contain material detrimental to aquatic life.

PREMISES

A parcel of real estate or portion thereof, including any improvements thereon, which is determined by the agency to be a single user for purposes of receiving, using and paying for service.

PRETREATMENT

The treatment of wastewaters from sources before introduction into the sewage treatment works.

PRIORITY POLLUTANTS

Any of the contaminants on the United States Environmental Protection Agency (USEPA) List of 126 Pollutants which are defined as priority pollutants.

PRIVATE SEWER

A sewer either on private property or in a public street which has not yet been constructed by nor is controlled by a public agency.

PUBLICLY OWNED TREATMENT WORKS (POTW)

The treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned, in this case, by the City of Cortland. This definition includes any sewers and appurtenances that transport wastewater to the treatment plant, but does not include pipes, sewers or other conveyances not connected directly or indirectly to a facility providing treatment.

SANITARY SEWER

A sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants and institutions.

SANITARY WASTE

Wash water, culinary wastes and 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.

SHALL

The term "shall" is mandatory; "may" is permissive.

SHREDDED GARBAGE

Garbage shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle having a dimension greater than 1/2 inch in any direction.

SIGNIFICANT INDUSTRIAL USER (SIU)

- (1) Any discharger subject to categorical pretreatment standards.
- (2) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) to the wastewater treatment plant (WWTP) or that contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the WWTP; or
- (3) That is designated as such by the WWTP on the basis that the industrial user has a reasonable potential for adversely affecting the WWTP operation or for violating any pretreatment standard or requirement. The WWTP may, at any time, upon its own initiative or in response to a petition received from a noncategorical user, with the consent of the appropriate control authority, determine that such industrial user is not a significant industrial user.
- (4) Uses more than 10,000 pounds or 1,000 gallons per year of priority pollutants or substances of concern and discharges measurable quantities of these pollutants to the sewer system which can be shown to:
 - (a) Interfere with the operation of the WWTP;
 - (b) Pass through the treatment plant and pollute the receiving waters;
 - (c) Concentrate in the sludge, thereby limiting opportunities for disposal or reuse; or
 - (d) Pose a hazard to City workers; or
 - (5) Industries which are major contributing industries as previously defined.

SIGNIFICANT NONCOMPLIANCE (SNC)

An industrial user is in significant noncompliance of the Wastewater Discharge Law if its violation(s) meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those, in 66% or more of all the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter.
- (2) Technical review criteria (TRC) violations, defined here as those, in 33% or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC [TRC = 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), fats, oil and grease; TRC = 1.2 for all other pollutants].
- (3) Any violation of a pretreatment effluent limit (daily maximum or long-term average) that the Administrator determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the treatment plant personnel or the general public).
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the Administrator's exercise of his emergency authority under § 289-45 of this chapter.
[Amended 4-2-2002 by L.L. No. 1-2002]
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit, 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, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
- (7) Failure to report accurately any noncompliance with this chapter.
- (8) Any other violation which the Administrator determines will adversely affect the implementation or operation of the Local Industrial Pretreatment Program.

STORM SEWER

A sewer intended to carry only stormwaters, surface runoff, street wash water and drainage.

SUBSTANCES OF CONCERN

Are those substances defined by the New York State Department of Environmental Conservation (NYSDEC) as substances of concern in their industrial chemicals survey (ICS) form.

TOXIC SUBSTANCES

Any substance, 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 recreation in the receiving waters of the effluent from the sewage treatment plant, pose a hazard to men working in the sewer system or constitute a hazard to fish or animal life.

TREATMENT WORKS

Any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and/or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, sewage collection systems, metering stations, pumping, power and other equipment and 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 of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm runoff, or industrial waste, including waste in combined stormwater and sanitary sewer systems.

UNPOLLUTED WATER

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

Any person that discharges, causes or permits the discharge of wastewater to the community sewer system.

USER CLASSIFICATION

A classification of user based on flow and chemical constituents.

WASTE

Any substance which contains sewage and any and all other waste materials from habitation, of human or animal origin, or from any producing, manufacturing or processing operations of whatever nature, including such wastes placed within containers of whatever nature prior to and for purposes of disposal.

WASTEWATER

Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS

The individual chemical, physical, bacteriological and radiological quality (parameters), including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quantity, quality and strength of wastewater.

WASTEWATER TREATMENT PLANT

Any arrangement of devices and structures or methods used for treating sewage.

WATERS OF THE STATE

Any water, surface or underground, within the boundaries of the State of New York.

§ 289-6 Prohibitions on discharge.

A. General prohibitions. No user shall introduce any pollutant(s) to the agency's wastewater collection and treatment system which, alone or in conjunction with a discharge or discharges from other sources, cause pass-through or interference. These general prohibitions apply to all users whether or not the user is subject to National Pretreatment Standards, or any other national, state or local pretreatment requirements.

B. Specific prohibitions. Without limiting the generality of the prohibitions specified in Subsection A of this section, no user shall introduce any of the following substances to the agency's wastewater collection and treatment system:

- (1) Any solids, liquids or gases which, by reason of their nature or quality, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or explosion or be injurious in any way to the POTW, or to the operation of the POTW. At no time shall both of two successive readings on a flame-type explosion hazard meter, at the point of discharge into the system (or any other point in the system), be more than 25% or any single reading be more than 40% of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides and sulfides and any other substance which the City, state or the USEPA has determined to be a fire or explosion hazard to the agency's wastewater collection and treatment system.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the agency's wastewater collection and treatment facilities. Unless explicitly allowable by a written permit, such substances include but are not limited to grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch, manure, bones, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud or glass or stone grinding or polishing wastes.
- (3) Any wastewater having a pH less than 5.0 or greater than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or agency personnel.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singularly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the agency's wastewater treatment system or to exceed the limitation set forth in the Categorical Pretreatment Standard. A toxic substance shall include but is not limited to any pollutant identified pursuant to Section 307(A) of the Federal Act.
- (5) Any noxious or malodorous solids, liquids or gases which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
- (6) Oils and grease. Any commercial, institutional or industrial wastes containing fats, waxes, grease or oils, which become visible when cooled to 10° C. (50° F.), any petroleum oil, nonbiodegradable cutting oil or products of mineral origin, in

excess of 100 milligrams per liter (mg/l) or in amounts that will cause interference or pass-through.

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

(8) Any solid, liquid, vapor or gas having a temperature higher than 65° C. (150° F.); however, such materials shall not cause the agency's treatment plant influent temperature to be greater than 40° C. (104° F.). The Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65° C.

(9) Unusual flow rate or concentration of wastes, constituting slugs, except by industrial wastewater permit.

(10) Any wastewater containing any radioactive wastes, except as approved by the Superintendent of Wastewater and in compliance with applicable state and federal regulations.

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

(12) Any wastewater with a closed-cup flash point of less than 140° F. or 60° C. using the test methods specified in 40 CFR Part 261.21.

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

C. Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Subsection A of this section where the user can demonstrate that:

(1) It did not know, or have reason to know, that its discharge, alone or in combination with a discharge from other sources, would pass through or cause interference.

(2) The user was in compliance with all applicable federal, state and local discharge limit actions directly prior to and during the pass-through or interference.

(3) The user's discharge directly prior to and during the pass-through or interference did not change substantially in nature or constituents from the user's prior discharge or activity when the POTW was in compliance with SPDES discharge permit requirements and applicable sewage sludge user or disposal requirements.