

**LOCAL LAW "7" OF 2000
COUNTY OF WASHINGTON, NEW YORK
By Supervisors: LaPointe, Gould, Gruber, Williamson, Pulver, Reed**

A LOCAL LAW providing for an amendment to Local Law No. 3 of 1989, as amended by Local Law No. 4 of 1989 and subsequent amendments establishing a schedule of charges for the discharge of SEWAGE, INDUSTRIAL WASTES, or OTHER WASTES, into the WASHINGTON COUNTY SEWER DISTRICT NO.: 2 sewerage system and all sewers tributary thereto.

BE IT ENACTED by the Board of Supervisors of the County of Washington as follows:

SECTION ONE: Local Law No. 3 of 1989 as amended by Local Law No. 4 of 1989 and its subsequent amendments is hereby further amended as follows:

Article I - STATEMENT OF PURPOSE:

The purpose of this Local Law is to establish a schedule of charges for the discharge of normal residential and commercial sewage into the WASHINGTON COUNTY SEWER DISTRICT NO.: 2 sewerage system and all systems tributary thereto for the existing community. Industrial and other special wastes will be considered on a case by case basis.

Article II - DEFINITIONS:

Unless the contract specifically indicates otherwise, the meaning of terms used in this Local Law shall be as follows:

1. "B.O.D." (Denoting BIOCHEMICAL OXYGEN DEMAND) shall mean the quantity matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade (68 degrees Fahrenheit) expressed in milligrams per liter (mg/l). Measurement shall be as set forth in the latest edition of "Standard Methods for the Examination of Water & Wastewater".
2. "Capital Costs" Shall mean that amount appropriated by the Washington County Board of Supervisors to fund the District's Capital Reserve Fund established pursuant to General Municipal Law Section 6-c.
3. "CHARGE" Shall mean the amount, in dollars, payable to the DISTRICT by each USER and TENANT of the WASHINGTON COUNTY SEWER DISTRICT NO.: 2.
4. "COMMISSIONERS" Shall mean the Board of COMMISSIONERS appointed by the Washington County Board of Supervisors as the administrative body of the WASHINGTON COUNTY SEWER DISTRICT NO. 2.
5. "DEBT SERVICE COSTS" Shall mean the annual costs, including interest payments, principal payments, and penalties, for retiring indebtedness of the WASHINGTON COUNTY SEWER DISTRICT NO. 2 incurred for the planning, design, and construction of DISTRICT SEWERAGE

WORKS in the WASHINGTON COUNTY SEWER DISTRICT NO. 2.

6. "DISTRICT" Shall mean the WASHINGTON COUNTY SEWER DISTRICT NO. 2.
7. "DISTRICT SEWERAGE SYSTEM" Shall mean the interceptor sewers, trunk sewers, collector sewers, force mains, pumping stations, sewerage treatment plants and other appurtenant structures owned and operated by the "WASHINGTON COUNTY SEWER DISTRICT NO. 2."
8. "INDUSTRIAL WASTES" Shall mean the liquid wastes from industrial manufacturing processes, trade, or business, as distinct from SEWAGE.
9. "MAJOR USER" Shall mean any USER with an average annual base SEWAGE flow equal to or greater than 5% of the total average annual base SEWAGE flow treated by the DISTRICT, or any USER discharging SEWAGE outside the limits established for NORMAL SEWAGE, when, in the opinion of the COMMISSIONERS, such discharge results in disproportionate costs for its conveyance and treatment.
10. "MINOR USER" Shall mean all USERS not otherwise classified as MAJOR USERS.
11. "NORMAL SEWAGE" Shall mean SEWAGE, INDUSTRIAL WASTES, or OTHER WASTES, which, when analyzed, show by weight the following average characteristics:
 - a) B.O.D. 1,000 - 2,000 lbs., per million gallons (120-240 milligrams per liter).
 - b) Chlorine Demand, 208 lbs. Per million gallons (25 milligrams per liter) or less.
 - c) Suspended Solids. 1,250 - 2,500 lbs. Per million gallons (150-300 milligrams per liter).
12. "OPERATION AND MAINTENANCE COSTS" Shall mean the annual costs incurred for the operation and maintenance of the DISTRICT SEWERAGE SYSTEM, including annual costs for replacement and repair.
13. "OTHER WASTES" Shall mean garbage (shredded or unshredded, refuse, lime, cinder, ashes, and all other discarded matter not normally present in SEWAGE and INDUSTRIAL WASTES).
14. "PROPERTY" Shall mean properties of land which have been determined to have access to, and thereby benefit from, the DISTRICT SEWERAGE SYSTEM.
15. "SANITARY SEWAGE" Shall mean SEWAGE discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm water, surface water, INDUSTRIAL WASTE and OTHER WASTES.
16. "SEWAGE" Shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground water and storm water as may be inadvertently present. The admixture of SEWAGE as above defined with

INDUSTRIAL WASTES or OTHER WASTES also shall be considered "SEWAGE" within the meaning of this definition.

17. "SUSPENDED SOLIDS" Shall mean solids that either float on the surface of, or are in suspension in water, skimming and sedimentation. Measurement shall be set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.

18. "USER" Shall mean any individual, firm, company, association, society, corporation, or group discharging SEWAGE, INDUSTRIAL WASTES or OTHER WASTES directly or indirectly to the DISTRICT SEWERAGE SYSTEM.

Article III - ANNUAL LEVY

A. Apportionment - ANNUAL LEVY Charges shall be annually paid in advance by each property in the WASHINGTON COUNTY SEWER DISTRICT NO. 2. The method of benefit determination and cost apportionment for these costs shall be based on an ad valorem tax system whereby each PROPERTY in the DISTRICT shall be billed in proportion to its assessed value. The ANNUAL LEVY shall consist of those costs attributable to debt service and capital costs as defined in Article II.

B. Calculation of Charge - The charge to each piece of PROPERTY in the DISTRICT for these costs shall be calculated as follows:

$$A = \frac{AV \times (D + C)}{U \times D}$$

WHERE,

A = ANNUAL LEVY
L

AV = Assessed Valuation of an Individual Property
U

AV = Total Assessed Valuation of all Property in the
D WASHINGTON COUNTY SEWER DISTRICT NO. 2

D = Total Annual DEBT SERVICE COSTS which must be financed
D by the WASHINGTON COUNTY SEWER DISTRICT NO. 2

C = Total amount of appropriation for capital costs by Sewer District 2
C

C. Determination of Assessed Value - The Tax Assessors for the TOWNS OF KINGSBURY and FORT EDWARD shall be the sole determinant respect to assessed values in the WASHINGTON COUNTY SEWER DISTRICT NO. 2.

D. Method of Payment - ANNUAL LEVY COSTS shall be billed annually in advance to each PROPERTY in the WASHINGTON COUNTY SEWER DISTRICT NO. 2. Bills will be distributed with the County taxes.

Article IV - ANNUAL CHARGES - OPERATION & MAINTENANCE

A. Apportionment - Annual charges for Operation & Maintenance of the WASHINGTON COUNTY SEWER DISTRICT NO. 2 Sewerage Works shall be apportioned to each USER in accordance with the requirements set forth in the Federal Register Volume 49, No. 34, dated February 17, 1984. Section 204(b) (1) of the Federal Water Pollution Control Act Amendment of 1972. P.L. 92-500, provides that, after March 1, 1973, Federal Grant Administrator has determined that the Applicant has adopted or will adopt, a system of charges to assure that each USER of the DISTRICT SEWERAGE SYSTEM will pay its proportional share of the costs of operation. "Each USER who discharges pollutants to the system which causes an increase in the cost managing the effluent or sludge from the treatment works shall pay for those increased costs." (35.2140)

B. Determination of Charges - The following model will be used to apportion the annual costs of operation and maintenance among users in the WASHINGTON COUNTY SEWER DISTRICT NO. 2. The minimum billing for Operation & Maintenance charges shall be \$5.00.

$$C = \frac{V}{U} + \frac{B}{C_U} + \frac{S}{C_U}$$

SECTION TWO: All other provisions of Local Law No. 3 of 1989 as amended shall remain in full force and effect.

SECTION THREE: This resolution shall be effective upon its filing with the Secretary of State of the State of New York.