

## City of Olean, NY Code

### Sec. 27-186. Unlawful to discharge stormwater, etc., to sanitary sewers.

[Code 1971, § 31-50; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005]

(a) It shall be unlawful for any person to discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer. Foundation drain from dwellings where gravity flow to storm sewer is not available shall be permitted. Existing buildings on September 10, 1968, whose stormwater from roof area is connected to the building sewer, shall be permitted to remain so connected until remodeling, renovation of plumbing or reconstruction or until the Common Council shall embrace a major project for the separation of roof drains from the sanitary sewers.

(b) Stormwater and all others of unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, and approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Director, to a storm sewer but only in accordance with SPDES requirements and any other state or federal regulation.

(c) No industry shall increase the discharge of clean process water, noncontact water, or in any way dilute such industry's discharge as a method of achieving compliance with any pollutant discharge limits. Each existing or new industry shall take appropriate steps to provide protection from any accidental discharge or slug discharge of prohibited pollutants into the sewage works. Such appropriate steps may include the development, submission, and approval of the IPP Administrator of a detailed slug control plan. Any measure taken shall be at the owner's expense.

(d) Plans, specifications, and any other pertinent information relating to proposed facilities shall be submitted for the approval of the IPP Administrator, and no construction of such facilities shall be commenced until such approvals are obtained in writing. Such approvals, however, shall not relieve the user of the responsibility of meeting any required effluent limitations.

(e) In all cases of accidental or slug discharges, it is the responsibility of the industry to immediately notify the POTW of the discharge. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. All employees shall be aware of the need to inform the POTW and shall be advised of the emergency notification procedures. Within one week following the accidental discharge the industry shall submit to the IPP Administrator a detailed written report describing the cause of the discharge and measures to be taken by the industry to prevent future occurrences.

### Sec. 27-187. Discharge of certain waters and wastes to public sewers prohibited.

[Code 1971, § 31-51; Res. No. 18-92, 2-25-1992; Res. No. 55-96, 6-11-1996; Res. No. 22-05, 3-22-2005; Res. No. 66-09, 10-27-2009; Res. No. 35-11, 6-28-2011]

(a) Generally. Except as provided in this division, it shall be unlawful for any person to discharge, or cause to be discharged any of the following described waters or wastes within the POTW.

(b) Prohibited.

(1) Any gasoline, benzene, naphtha, fuel oil or mineral oil, or other flammable or explosive liquid, solid, or gas.

(2) Any noxious or malodorous gas such as hydrogen sulfide, sulphur dioxide, or nitrous oxide, or other substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

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

(4) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids or any other substance, solid, viscous or in any other form, capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.

(5) Any stormwater, roof drains, spring water, cistern or tank overflow, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air conditioning machine or refrigeration unit.

(6) Any waste considered as a hazardous waste under 40 CFR 261.

(7) Any 1, 1, 1-Trichloroethane above background concentrations; any pollutant which creates a fire or explosion in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F. or 60° C. using the test method specified in 40 CFR 261.21; pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that might cause acute worker health and safety problems; petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(8) Any trucked or hauled pollutants, except that discharge points designated by the city; the discharge of any pollutant that causes pass through; oxygen-demanding pollutants [such as biochemical oxygen demand (BOD)], released in a discharge at a flow rate or pollutant concentration that will cause interference.

(9) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

(10) 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.

(11) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C. (104° F.) unless the approval authority, upon request of the POTW, approves alternate temperature limits.

(12) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(13) Any wastewater or similar by-product from high-volume fracking, oil drilling, or natural gas drilling operations.

(c) Limited.

# COMMITTEE OF THE WHOLE MEETING MINUTES

*TUESDAY, May 24, 2011*

## COUNCIL CHAMBERS – OLEAN MUNICIPAL BUILDING

IN ATTENDANCE WERE: ALDERMEN BRADY, MCLAUGHLIN; KAMERY, FINCH, JONES AND STEFFEN; OTHERS: MAYOR LINDA WITTE; AL UTECHT, CITY CLERK; TOM WINDUS, DPW DIRECTOR AND KELLY SWEET, COUNCIL CLERK

Council President Frank Steffen called the meeting to order at 6:30 p.m.

1. PL#45-11: (Witte) to authorize the Mayor to sign a contract with the Cattaraugus County SPCA for continued animal control for the city of Olean

Mayor Witte stated that the agreement with the County is the same save for any provision pertaining to the vehicle has been removed.

A motion to approve PL#45-11 was made by Alderman Steffen, seconded by Alderman McLaughlin. Voice vote, ayes all. Motion carried. Referred to city attorney for resolution.

2. PL#29-11: (Witte) to authorize the Mayor to execute a two-year extension agreement with H. Sicherman & Company, Inc. for the provision of technical services in the areas of community development, and CDBG Program administration, under the existing terms and conditions

A motion to approve PL#29-11 was made by Alderman Jones, seconded by Alderman Finch. Voice vote, ayes all. Motion carried. Referred to city attorney for resolution.

3. PL#46-11: (Witte) to amend the Code of Ordinances Part III, Chapter 27, Article III, Division 6, Section 27-187, (b) Prohibited, to include: (13) Any wastewater or similar byproduct from high-volume fracking, oil drilling, or natural gas drilling operations.

Mayor Witte stated that while she was at the last NYCOM conference there were many municipalities updating their ordinances. At this time the City does not have restrictions on what is treatable at our facility.

Mr. Windus responded to a comment from Alderman Kamery in that he is not aware of any dumping at this time. His concern is that there will be dumping in a manhole located in a nearby town. The town collects a fee to allow them to dump and yet the waste is sent to the City's treatment plant.

Alderman Kamery stated that companies should be following the already strict State standards. She doesn't believe that it is necessary for the City to create more standards.

Alderman Brady agreed that the DEC has standards in place as well as the United States standards being developed.

Earl McElfresh of Genesee Street stated that drilling sites are well regulated. Putting additional restrictions and regulations on an already heavily regulated industry will only drive it away.

Gary Abraham explained the components of the contents within the Marcellus Shale. He noted that other states are putting provisions in their law prohibiting the treatment of waste from fracking.

A motion to approve PL#46-11 was made by Alderman Jones, seconded by Alderman Steffen. Voice vote, ayes Alderman McLaughlin, Alderman Finch, Alderman Jones and Alderman Steffen. Nays: Alderman Brady, Alderman Kamery. Motion carried. Referred to the City Attorney for resolution.

4. PL#47-11: (Witte) to request the Cattaraugus County Legislature to pass legislation banning horizontal drilling within two (2) miles of the City of Olean's well water aquifer.

Mayor Witte explained that this is a request to the County to protect the aquifer. It is another measure to help protect the water which is a vital asset.

Again, Alderman Brady and Alderman Kamery noted existing laws already in place for protection. Alderman Brady added that there hasn't been any issues in New York State because of the regulations and strong environmental laws.

Earl McElfresh stated the Olean Water Department lists a lot of water not knowing where it is going or where it is being treated. The City should not view this asset (Marcellus Shale) as a problem.

Gary Abraham stated that there are several incidences in Pennsylvania of spills into the fresh water from natural gas drilling sites. He urges the Council to approve the proposal.

A motion to approve PL#47-11 was made by Alderman Jones, seconded by Alderman Steffen. Voice vote, ayes Alderman McLaughlin, Alderman Finch, Alderman Jones and Alderman Steffen. Nays: Alderman Brady, Alderman Kamery. Motion carried. Referred to the City Attorney for resolution.

5. PL#48-11: (Witte) to amend the Code of Ordinances Part III, Chapter 24, Article I, Section 24-7 to read as follows: Any vehicles that exceed the allowable NYS Vehicle and Traffic Law size and/or weight shall be required to obtain and possess a permit from the City of Olean Department of Public Works prior to operating said vehicle on any street, road or ROW owned and/or maintained by the City of Olean. The fee for this permit shall be ten dollars (\$10.00).

And to amend the Code of Ordinances Part III, Chapter 24, Article I, Section 24-54 to include the following Violation and Fine: Failure to obtain an oversize vehicle permit, Fine shall be \$250.00