THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, December 17, 2013
6:30P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ANDRES

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:	**President Andres** **Alderman Needler, Zadzilka**
Absent:	**Alderman Rizzo** **Alderman Clark** **Mayor Robert G. Ortt**
Also Present:	**City Attorney Shawn P. Nickerson**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION DECEMBER 3, 2013

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the minutes of the regular session held December 3, 2013 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

III. Clerk-Treasurer

December 3, 2013

Hon. Mayor Ortt & Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Re: Winterizing Abandoned Homes

Dear Honorable Body:

Please authorize the hiring of a licensed plumber to shut off the water at the curb stop and remove the water meter at the following abandoned properties per Chapter 98 of the City Code:

836 East Robinson
660 Shad

Site inspections have been done and violation letters have been sent out with a ten day notice and we have received no response.

Regards,
Scott P. Kiedrowski
City Clerk-Treasurer
City of North Tonawanda

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes the Department of Public Works to hire a licensed plumber to shut off the water at the curb stop and remove the water meter at 836 East Robinson Street and 660 Shad Street. All costs associated with this resolution are to be placed on the property taxes for collection.
Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

V. Water

December 11, 2013

Honorable Mayor Robert G. Ortt
and Common Council
216 Payne Avenue
N. Tonawanda, New York

Re: Sewer Ordinance Update

Honorable Body:

On July 30-31, 2013 the U.S. Environmental Protection Agency did their five year audit on the North Tonawanda's Industrial Pretreatment Program.

"The purpose of this pretreatment program audit is to find out whether the pretreatment program has obtained results indicative of good performance. Good performance is characterized by the prevention of pass-through, interference and sludge contamination as shown by compliance at the wastewater treatment plant with its discharge permit effluent limits, and consistent compliance by the categorical industrial users with their federal standards. Wastewater treatment plant effluent quality depends on the pretreatment program for good local limits and industrial user compliance. Industrial user compliance depends on a complete inventory, correct permits, complete monitoring and effective enforcement."

Effective November 14, 2005 the EPA made changes to the general pretreatment regulations at 40 CFR Part 403. In the audit the EPA inspector informed us that the North Tonawanda Sewer Ordinance was not updated to conform to the new regulations. The report states *"the definitions for new source, pretreatment requirement, significant violation, and slug do not conform to the general pretreatment requirements at 40 CFR Part 403. North Tonawanda must modify its sewer use regulation to conform to the general pretreatment requirements at 40 CFR Part 403."*

Our Sanitary Chemist has been working with the EPA to make the necessary changes to the North Tonawanda Sewer Ordinance. He has re-written the sewer ordinance with the added requirements and received the EPA's approval.

Upon the city attorney's approval, I am recommending the council approve the changes to the sewer ordinance, making them effective January 01, 2014.

Thank you for your time and consideration in this matter.

Sincerely,
David A. Scott

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the Common Council hereby approves the following changes/additions to the City Code of the City of North Tonawanda Chapter 75 – Sewers:

§75-1. Definitions.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER

(1) If the user is a Corporation:
- **(a) The President, Vice-President, Secretary or Treasurer of the Corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the Corporation; or**
- **(b) The Manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons, if authority to sign documents has been assigned or delegated to the Manager in accordance with Corporate procedures.**

(2) If the user is a partnership or sole proprietorship; a General Partner or Proprietor, respectively.

(3) If the user is a Federal, State or Local Government facility; a Director or highest ranking official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for the environmental matters for the company and the written authorization is submitted to the City.

INTERFERENCE

A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operation or its sludge processes, use or disposal; and therefore, is a cause of violation of the City's SPDES Permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory / regulatory provisions or permits issued thereunder, or any more stringent Federal, State or Local regulations such as: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine protection, Research and Sanctuaries Act.

NEW SOURCE

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- **(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or**
- **(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or**
- **(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.**

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program.

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation or removal of existing buildings, structure, or facilities which is necessary for the placement, assembly, or installation of a new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NORTH TONAWANDA WASTEWATER TREATMENT PLANT

That portion of the publicly owned treatment works which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

PASS THROUGH

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 NPDES permit including an increase in the magnitude or duration of a violation.

PRETREATMENT REQUIREMENTS

Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

PROCESS WASTEWATER

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PUBLICLY OWNED TREATMENT WORKS

A treatment works owned by the City of North Tonawanda. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a North Tonawanda Wastewater Treatment Plant. The term also means the municipality, in this case the City of North Tonawanda, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

SEWAGE TREATMENT or WASTEWATER TREATMENT PLANT or POTW PLANT (change as underlined)

Any arrangement of devices and structures used for treating sewage, <u>also referred to as "North Tonawanda Wastewater Treatment Plant (NTWWTP)</u>".

SIGNIFICANT INDUSTRIAL USER

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the NTWWTP; or

(c) Is designated as such by the City on the basis that is has a reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement.

(3) Upon finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a Significant Industrial User.

SIGNIFICANT NON-COMPLIANCE (VIOLATION)

A violation or violations that meet(s) one or more of the following criteria:

(A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) 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;

(E) 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;

(F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

SLUG
Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.

§ 75-2. Abbreviations.

K. POTW – Publicly Owned Treatment Works

§ 75-5. Sewer use regulations.

B.

(1) Any pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit of 60 degrees Centigrade using the test methods specified in 40 CFR 261.21 in accordance with 40 CFR 403.5(b)(1).
[Amended 9-4-2013]

(3) Any waters or wastes having a pH lower than 5.5, higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
[Amended 9-4-2013]

(11) 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.

(12) Trucked or hauled pollutants, except at discharge points designated by the Superintendent.

J. Special procedures relating to Industrial Wastes:

1. Industrial wastewater discharge permits:

(A) All industrial users proposing to connect to the sewage works shall obtain a wastewater discharge permit before connecting to or contributing to the sewage works. All existing industrial users connected to or contributing to the sewage works shall obtain a wastewater permit within 90 days after the effective date of this ordinance. Users required to obtain a wastewater permit shall complete and file with the city an application in the form prescribed by the city, accompanied by any required fees.

The wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

(1) Wastewater Discharge Permits must contain:
- **a) Effluent limits based on applicable pretreatment standards;**
- **b) Self-monitoring, sampling, reporting, notification and record – keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency; and sample type based on Federal, State and Local Law; and**
- **c) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements; and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or Local law.**

(2) Wastewater Discharge Permits <u>may</u> contain, but need not be limited to, the following conditions:

a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

c) Requirements for the development and implementation of spill and/or slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges;

d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

e) A statement of compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal, State and Local pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

f) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance; State and Federal laws, rules and regulations. [Added 10-29-2013]

3. Accidental Discharge/Slug Control Plan:

(A) Within 1 year of being designated a Significant Industrial User and as necessary thereafter, the Superintendent shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge.

The Superintendent may require any user to develop, submit for approval and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An Accidental Discharge/Slug Control Plan shall contain, at a minimum, the following elements:

(1) Description of discharge practices, including non-routine batch Discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under 403.5(b) with procedures for follow-up written notification within five days;

(4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
[Added 10-29-2013]

7. Reports.

(a) Baseline Monitoring Reports

(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to, the POTW shall submit to the Superintendent a report which contains the information listed in subsection 2, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical

standard, shall submit to the Superintendent a report which contains the information listed in subsection 2, below. A new source shall report the method of pretreatment it intends to use to meet the applicable categorical standards. A new source also shall give estimates of its anticipated flow and quality of pollutants to be discharged.

(2) Users described above shall submit the information set forth below:

i) Identifying Information – the name and address of the facility, including the name of the operator and owner.

ii) Environmental Permits – A list of any environmental control permits held by or for the facility.

iii) Description of Operations – A brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

iv) Flow Measurement – Information showing the measured average daily and maximum daily flow, in gallons per day (gpd), to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

v) Measurement of Pollutants –

A) The categorical pretreatment standards applicable to each regulated process.

B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations.

vi) Certification – A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

vii) Compliance Schedule – if additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall be no later than the compliance date established for the applicable pretreatment standard.

viii) Signature and Certification – All baseline monitoring reports must be signed and certified.

(b) Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule:

1) The Schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an Engineer, completing preliminary and final plans, executing contracts for major components, commencing and

completing construction, and beginning and conducting routine operation;

2) No increment referred to above shall exceed nine (9) months;

3) The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

4) In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

(c) Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for the final compliance with applicable categorical pretreatment standards, or in case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described above in Section 7(a)(1-2) of this Ordinance.

For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate.

For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this Ordinance.

(d) Periodic Compliance Reports

1. All Significant Industrial Users shall, at a frequency determined by the Superintendent, but in no case less than twice per year (in June & December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by the pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with this ordinance.

2. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working condition at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

3. If the user subject to the reporting requirement in the section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in this Ordinance, the results shall be included in the report.

(e) Reports of Changed Condition

Each user must notify the Superintendent of any planned significant changes to the user's operation or system which might alter the nature, or volume of its wastewater at least 30 days before the change.

1. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of wastewater discharge permit application under this Ordinance.

2. The Superintendent may issue a wastewater discharge permit under this Ordinance or modify an existing wastewater discharge permit under this Ordinance in response to changed conditions or anticipated changed conditions.

3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(f) Reports of Potential Problems

1. In the case of any discharge, including, but not limited to, accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or a slug load, that may cause potential problems for POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective action taken by the user.

2. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (f)(1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification process.

(g) Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as required by the Superintendent.

(h) Notice of Violation / Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results to the Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent and/or Lab personnel monitors at the user's facility at least once a month, or if the Superintendent and/or Lab Personnel samples between the user's initial sampling and when the user receives the results of this sampling.

(i) Notification of the Discharge of Hazardous Waste

(1) Any user who commences the discharge of hazardous waste shall notify in writing the POTW, the EPA Regional Waste Management Division Director, and NY State hazardous waste authorities, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under EPA 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in EPA 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the user discharges more than one hundred (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 user:

(i) An identification of the hazardous constituents in the waste(s);
(ii) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
(iii) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 7(e)(1-3) of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements set forth in Sections 7(a), 7(c) and 7(d) of this Ordinance.

(2) Discharges are exempt from the requirements of paragraph (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless wastes are acute hazardous wastes as specified in EPA 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in EPA 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Division Director, and NY State hazardous waste authorities, of the discharge of such substances within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste(s) generated to the degree it has determined to economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal or State law.

(j) The Superintendent may also impose Mass Limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of Mass Limitations is appropriate. In such cases, the report required above shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user.
[Amended 10-29-2013]

§ 75-9. Penalties for Offenses and/or Violations. (changes as underlined)

B. Any person who violates the provisions of § 75-2, 75-3, 75-4, 75-5 or 75-6 of this ordinance, upon conviction thereof in a court of competent jurisdiction, may be punished by a fine of up to $1,000 per violation, and each day on which there is a failure to comply shall be and is hereby declared to be a distinct and separate offense and punishable as such. [Amended 10-29-2013]

C. The City of North Tonawanda may also maintain an action or proceeding in the name of the City of North Tonawanda in a court of competent jurisdiction to collect a civil penalty of up to $1,000 per day for each violation of § 75-2, 75-3, 75-4, 75-5 or 75-6 of this ordinance or violations of federal and state pretreatment requirements or seek appropriate legal action and/or injunctive relief.
[Amended 10-29-2013]

§ 75-30. Notification of spills. (Addition as follows)

(Also see pg. 23, sec. J - *Special procedures relating to Industrial Wastes*, sub-sec. (3) *Accidental Discharge / Slug Control Plan*, for further information regarding spills).
Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

VII.1 Accountant

December 13, 2013

Honorable Robert G. Ortt, Mayor
and Common Council
City Hall
North Tonawanda, New York 14120

Dear Honorable Body:

In accordance with Article V, Division 1, Section 5.002 and 5.003 of the City Charter, an Abstract Sheet, comprised of a Warrant of Claims, has been submitted by this office for your review and approval.

Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated December 17, 2013, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated December 17, 2013 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	$197,494.22
02	Water Fund	35,731.58
04	Sewer Fund	99,032.01
06	Capital Project Fund	772,625.79
17	Home Rehab Program	35,915.00
	Final Total	$1,140,798.60

Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

VII.2 Accountant

December 9. 2013

Honorable Robert G. Ortt, Mayor and Common Council
216 Payne Avenue - City Hall
North Tonawanda, New York 14120

Dear Honorable Body:

To properly culminate the financial activities of the municipality for fiscal year 2013, I recommend that the Common Council authorize the City Accountant to make any necessary budgetary transfers, adjustments. subsidies or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, at December 31,2013. It should be noted that Department Heads are still responsible and accountable for their financial actions.

Approval of this recommendation will insure that no appropriation accounts or operating funds are over-obligated at year-end, providing a favorable financial and management representation for the auditors, State Comptroller, investment analysts and bankers.

This action would be in compliance with the State of New York Uniform System of Accounts for Cities and Generally Accepted Accounting Principals (GAAP).

These actions will be reflected in the municipality's year-end appropriation ledgers, the audited 2013 Financial Statements and in our Annual Financial Update Document, which is sent to the New York State Comptroller's office.

If I can be of any further assistance, please do not hesitate to contact me at your convenience.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the Common Council hereby authorizes the City Accountant to make any necessary budgetary transfers, adjustments, subsidies or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, at December 31, 2013.
Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

X. Police

November 27, 2013

Dear Honorable Body:

Attached is a Memorandum of Agreement between the State of New York and the North Tonawanda Police Department. It is regards to NYS 1033 Federal Excess Property Program.

The program itself allows local law enforcement agencies to receive excess property from the Department of Defense that is deemed suitable for use by such agencies in law enforcement activities, with emphasis on counter-drug/counter-terrorism activities, under such terms prescribed by the Secretary of Defense.

There is no cost to the city for the equipment. As far as transportation costs to get the equipment it would be minimal, because the equipment we will be looking at would be at Fort Drum that is located in New York State.

I would ask you to pass a resolution on this matter at your meeting allowing me to sign this agreement. Mr. Nickerson, the City Attorney has reviewed the memorandum and does not have any issues with it.

Thank you for your time and consideration in this matter. If you have any questions please feel free to contact me.

Respectfully submitted,
William R. Hall
Chief of Police

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes the Police Chief to sign the Memorandum of Agreement between the State of New York and the North Tonawanda Police Department regarding NYS 1033 Federal Excess Property Program. The program itself allows local law enforcement agencies to receive excess property from the Department of Defense that is deemed suitable for use by such agencies in law enforcement activities, with emphasis on counter-drug/counter-terrorism activities, under such terms prescribed by the Secretary of Defense. There is no cost to the city for the equipment.
Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

XIV. Recreation

November 27, 2013

The Honorable Mayor, Robert Ortt and Common Council Members City Hall
216 Payne Ave.
North Tonawanda, New York 14120

Dear Honorable Mayor Ortt and Common Council Members;

Please review and approve for signing the attached renewal agreement between Ms. Diane Sheehan and the City of North Tonawanda. Ms. Sheehan provides the Youth Court and First Offender services to our department as an Independent Contractor. The agreement will allow these services to continue through December 31, 2014.

City Attorney, Shawn Nickerson has received the agreement and forward it to the Mayor's office for the required approval and notarized signature.

Thank you.

Sincerely,
Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the Common Council hereby approves the renewal agreement between Ms. Diane Sheehan and the City of North Tonawanda to provide Youth Court and First Offender services as an Independent Contractor through December 31, 2014 and further authorizes the Mayor to sign the agreement.
Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

.1 City Clerk
.2 Treasurer
.3 Senior Citizens
.4 Police

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the Common Council hereby receives and files the aforementioned Monthly Reports.
CARRIED.

XXXII. Community Development

November 26, 2013

Richard Andres
Common Council President
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Dear Council President Andres:

Lumber City Development's Board of Directors is respectfully requesting that the Common Council consider providing a $6,000.00 cash match from City funds, for the 2010 HOME Rehabilitation Program grant that was received by the City. This housing rehabilitation program is administered by Lumber City Development on behalf of the City. The $450,000 of grant funding that was provided by the NYS Office of Community Renewal, is used to help low-to-moderate income qualified households bring their homes up to code and safety standards. To date nineteen single family housing units have been rehabilitated using these funds.

Lumber City Development is committed to providing its own $6,000, cash match for this important and beneficial program that has significantly improved housing conditions for city residents and their neighborhoods.

Thank you for your consideration of our request. We look forward to continuing our partnership with the City to improve housing conditions and strengthen neighborhoods.

Best regards,
Richard Tindell
Executive Director

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby approves providing a $6,000.00 cash match from City funds for the 2010 HOME Rehabilitation Program Grant that was received by the City. This housing rehabilitation program is administered by Lumber City Development on behalf of the City. The $450,000 of grant funding that was provided by the NYS Office of Community Renewal is used to help low-to-moderate income qualified households bring their homes up to code and safety standards. Lumber City Development is providing its own $6,000, cash match for this important and beneficial program that has significantly improved housing conditions for city residents and their neighborhoods.
Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Rescue Fire Company #5

December 6, 2013

Scott P. Kiedrowski
City Clerk / Treasurer
North Tonawanda City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Re: Rescue Fire Co. #5

Dear Scott:

It is my understanding the City of North Tonawanda provides certificates for volunteer fire service at the 35 and 50 year mark. If so, I would request a 50 year certificate for Melvin L. Muir and a 36 year certificate for William Lipczynski. We hope to present it December 14, 2013 so if available I would be pleased to pick it up at your office.

Please advise and thank you.

Very truly yours,
Daniel E. Brick
Secretary

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
To issue Exemption Certificates to Melvin L. Muir – 50 Years and William Lipczynski – 35 Years.
CARRIED.

B.
Niagara Frontier Boat Racing Association

December 5, 2013

Mayor Robert G. Ortt & N. T. Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Ortt & Members of N. T. Common Council,

We are respectfully requesting permission to bring Thunder on the Niagara Hydroplane Races back to Gratwick Riverside Park in 2014. The dates we are requesting are August 15, 16 and 17, 2014.

We appreciate your consideration and look forward to your response.

Sincerely yours,
Peter Hackett
Commodore

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the Common Council hereby grants permission to the Niagara Frontier Boat Racing Association (NFBRA) to use Gratwick Riverside Park on Friday August 15, 2014; Saturday, August 16, 2014 and Sunday, August 17, 2014 for their Thunder on the Niagara Hydroplane Boat Racing event.
Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

C.
Rick Maier
4DNT, Inc.

November 25, 2013

Re: Rotary Club of the Tonawanda's – Gateway Harbor Ball Drop

To the Cities of North Tonawanda / Tonawanda Common Councils:

Once again 4DNT Inc. and the Gateway Harbor Ball Drop committee is proud to announce the return of the New Year's Eve Gateway Harbor Ball Drop. As you may have heard, 4DNT has partnered up with The Rotary Club of the Tonawanda's. This partnership is an effort to keep the ongoing tradition of the New Year's Ball Drop in the twin cities. By pooling our man power and financial resources, we hope to insure the future of this event.

As in previous years, The Event will consist of a Merchant Scavenger Hunt, Kids Fun Zones at both Salem United Church of Christ and the Rainbow Roller Rink, Ball drop and Fireworks at midnight. There will also be a Pub Crawl run by the local bars and NOT by 4DNT / Rotary Club Gateway Harbor Ball Drop committee. In an effort to cut costs, there will not be a large tent or live music on Sweeney St. this year. We do hope to bring back the tent and music along with other family activities next year. This year will also see a change in the way we drop the ball. We will no longer drop from the building located at 15 Webster Street. Instead, we will be dropping the ball in the center of Webster St. with a crane backed down Sweeney St. between Suzuki Strings and Frank's liquor. A site map has been provided for your reference on the next page.

With that being said, we request the following from the City of North Tonawanda:

- Closure of the RENAISSANCE BRIDGE on December 31, 2013 from 7:00pm to 1am on January 1, 2014. This will allow adequate time for Young Explosives Corp. to set up for fireworks display. Pedestrian walkways will remain open until 11:45pm. or earlier if required by Fire Dept.

- Closing WEBSTER STREET between Tremont St. and the Renaissance Bridge on December 31, 2013 from 7 pm to lam on January 1, 2014. This will help insure enough room to view fireworks safely without damage to parked cars.

- Closing SWEENEY STREET from the pedestrian walkway and including Gateway Harbor area to Manhattan St. from 4:00 pm on December 31, 2013 to 1 am on January 1, 2014. This will allow for safe viewing of the fireworks and the placement of the crane.

From the City of Tonawanda we request the closing of the RENAISSANCE BRIDGE from 7:00 pm on December 31, 2013 to 1:00am January 1, 2014. This will allow adequate time for Young Explosives Corp. to set up for fireworks display. Pedestrian walkways will remain open until 11:45pm or earlier if required by Fire Dept.

In addition, event insurance binders will be submitted to each city by the Rotary Club of the Tonawanda's.

Thank you for your consideration,

Rick Maier
President 4DNT Inc.
Co-Chairman Rotary Club/
Gateway Harbor Ball Drop Committee
716-523-0896

MOVED by Alderman Needler SECONDED by Alderman Andres
That the Common Council hereby grants permission to the Rotary Club to hold their Ball Drop at Gateway Harbor on Tuesday, December 31, 2013 and directs the Department of Public Works to provide assistance as follows:

- Closure of the Renaissance Bridge on December 31, 2013 from 7:00PM to 1:00AM on January 1, 2014 to allow adequate time for Young Explosives Corp. to set up for fireworks display. Pedestrian walkways will remain open until 11:45PM or earlier if required by Fire Dept.

- Closing Webster Street between Tremont St. and the Renaissance Bridge on December 31, 2013 from 7:00PM to l:00AM on January 1, 2014. This will help insure enough room to view fireworks safely without damage to parked cars.

- Closing Sweeney Street from the pedestrian walkway and including Gateway Harbor area to Manhattan St. from 4:00PM on December 31, 2013 to 1:00AM on January 1, 2014. This will allow for safe viewing of the fireworks and the placement of the crane.

Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

D.
Niagara Community Action Program, Inc.

December 3, 2013

Mr. Scott P. Kiedrowski, City Clerk
City of North Tonawanda
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Re: 2014 Agreement Between the City of North Tonawanda and Niagara Community Action Program, Inc.

Dear Mr. Kiedrowski:

Enclosed please find two original agreements in the amount of $3000 between the City of North Tonawanda and Niagara Community Action Program, Inc. for fiscal year 2014 to provide assistance to city residents. Please sign, notarize, and return one original fully executed agreement for our files

As always, we appreciate the opportunity to work with the City of North Tonawanda. If you have any questions or concerns, please feel free to contact me.

Thank you for your continued support.

Respectfully,
Suzanne Shears
Executive Director

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby approves payment of $3,000.00 to the Niagara Community Action Program, Inc. for fiscal year 2014 to provide assistance to city residents.
Ayes: Needler, Zadzilka, Andres (3)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

MOVED by Alderman Needler SECONDED by Alderman Andres
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.

Time of Adjournment: 6:46P.M.

Respectfully submitted,
Scott P. Kiedrowski
City Clerk–Treasurer