

# **Disposal of Sludge, Sewage Sludge and Septage**

Town of Candor

Local Law No. 5 of the Year 1991

A local law Regulating the Disposal of Sludge, Sewage Sludge and Septage within the Town of Candor

Be it enacted by the Board of Councilmen of the Town of Candor as follows:

## **SECTION 1. Purpose.**

The Board of Councilmen of the Town of Candor hereby finds and determines that the disposal of sludge, sewage sludge or septage within the Town of Candor or any part thereof poses a potential threat to the health and safety of the residents of the Town of Candor and to animals within the Town of Candor, and that there may exist a potential for contamination of adjacent property and water supplies which could constitute a potential health and safety hazard to the Town of Candor and its residents as well as to food chain crops and animals within the Town of Candor. It is the purpose of this local law to provide for the health, safety and welfare of the residents of the Town of Candor, the owners of property within the Town of Candor, food chain crops and animals within the Town of Candor by regulating the disposal of sludge, sewage sludge and septage within the Town of Candor.

## **SECTION 2. Definitions.**

For the purpose of this local law, the following terms shall have the meanings set forth hereinafter:

1. "Dispose of" means to spread, apply, discharge, deposit, plow, inject, dump, spill, process, store, leak or place any sludge, sewage sludge or septage (as hereinafter defined) into or on any land or water within the Town of Candor or any part of the Town of Candor.
2. "Person" means any individual, public or private corporation, business corporation, political subdivision, government agency, department, board or bureau of the state or federal government, municipality, industry, partnership, copartnership, association, firm, trust, estate, or any other legal entity.
3. "Septage" means the contents of a septic tank, cesspool or other individual sewage treatment facility which receives domestic sewage wastes. "Septage" shall not be deemed to include wastes resulting from farming operations, including but not limited to dairying, beef, egg or chicken production when such are conducted within the Town of Candor and such wastes are generated within the Town or Village of Candor.
4. "Sewage sludge" means the accumulated semi-solid suspension of solids deposited from waste waters from municipal or private sewage treatment plants.
5. "Sludge" means the accumulated semi-solid suspension of settled solids deposited from waste waters or other fluids. "Sludge" shall not be deemed to include the accumulated semi-solid suspension of settled solids deposited or resulting from farming operations, including but not limited to dairying, beef, egg or chicken production when such are conducted within the Town or Village of Candor and such wastes are generated within the Town or Village of Candor.

## **SECTION 3. Prohibitions & Regulations**

No person shall dispose of, allow to be disposed of or otherwise cause to be disposed of, within the Town of Candor or within any part of the Town of Candor any sludge, sewage sludge or septage which were generated or collected from sources located outside the Town or Village of Candor.

No person shall dispose of, allow to be disposed of or otherwise cause to be disposed of within the Town of Candor any sludge, sewage sludge or septage which were generated or collected from sources located within the Town or Village of Candor unless such person possesses a permit to dispose of such wastes issued by the New York State Department of Environmental Conservation and unless such contents are disposed of in compliance with all applicable statutes, ordinances, local laws, codes, rules and regulations of the United states of America, state of New York, County of Tioga and Town of Candor.

No person shall dispose of, allow or cause to be disposed of within the Town of Candor any sludge, sewage sludge or septage which were generated or collected from sources located within the Town or Village of Candor except at a site approved for such by the New York state Department of Environmental Conservation. The Town of Candor may at any time and from time to time prohibit the disposal of such sludge, sewage sludge or septage or limit the amount of sludge, sewage sludge or septage which may be disposed of at such approved site. Such prohibition or limitation may be imposed by Resolution of the Town Board of Councilmen and enforced by the Code Enforcement Officer of the Town of Candor or any other agency designated by the Town, State or County for the enforcement of laws within the State of New York.

#### **SECTION 4. Penalties.**

Upon conviction, a violation of this local law shall be deemed an offense and shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00) for each and every such offense, or imprisonment for a period not to exceed fifteen days, or both.

In addition to the imposition of the above described penalty, the Town may pursue any other remedy at its disposal including but not limited to injunction to insure the enforcement of this Local Law.

#### **SECTION 5. Separability Clause.**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, the judgement shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall have been rendered.

#### **SECTION 6. Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State.