

PRELIMINARY STATEMENT

Continued residential, commercial and industrial growth both within and without the boundaries of Saratoga County Sewer District #1 (SCSD#1) has resulted in certain areas of the District's sewer system reaching their capacity limits to transport and treat current or projected flows. Consequently, it has become necessary for SCSD#1 to firmly establish policies and procedures regulating new connections to the district's system, particularly as applied to areas that are at or near capacity. The following rules and regulations governing the construction, connection and dedication of sewer facilities discharging into SCSD#1's system are submitted for approval by the Saratoga County Sewer Commission, and adoption by the Saratoga County Board of Supervisors pursuant to the Board's authority under County Law 264 to adopt, amend and repeal rules and regulations for the operation of the county sewer district, including regulation of the manner of making connections and the construction of the county sewer system and its facilities and appurtenances.

**PART I : THE CONSTRUCTION AND/OR CONNECTION OF NEW SANITARY
SEWER FACILITIES DISCHARGING INTO SARATOGA COUNTY
SEWER DISTRICT #1'S SEWER SYSTEM**

**SECTION 1 : PRESENTATION OF NEW CONSTRUCTION OR CONNECTION
PROJECTS TO SARATOGA COUNTY SEWER DISTRICT #1
(SCSD#1)**

1.1 Required Submissions: Any person or entity planning to construct new sewer facilities, including laterals, which are designed to connect to, and/or discharge into, SCSD#1's system shall submit to SCSD#1 for review and approval, unless exempted by the provisions of Subsection 1.7, the following:

A. Engineer's Report: prepared by a licensed professional engineer or a firm of licensed professional engineers detailing the following:

(i) Projected design flows and projected discharge rates for the project.

(ii) Both the actual capacity and the existing available capacity in SCSD#1's sewer system in the area of the proposed project. SCSD#1 shall cooperate in providing any available information as may be requested by the project's engineer.

(iii) Whether there is sufficient capacity in SCSD#1's system to transport and treat the projected design flows and projected discharge rates.

(vi) Projected impact that design flows shall have on the downstream system.

(v) Whether improvements will be needed to SCSD#1's system to accept projected design flows and projected discharge rates.

B. Construction Plans: detailed construction plans and specifications prepared and stamped by a licensed professional engineer or firm of licensed professional engineers showing the type and location of all proposed sewer facilities and appurtenances, and if applicable, connecting laterals.

C. Request For Review Form: Any person or entity submitting an engineer's report and/or construction plans and specifications for new sewer facilities, including lateral connections, to SCSD#1 for review and approval shall submit therewith a written request for review of said engineer's report and/or construction plans, which written request shall

be on a form prescribed by SCSD#1 and shall be captioned "Request For Review Form". The project's proponent shall specify the following information in the Request For Review Form:

(i) The names, mailing addresses, phone numbers, fax numbers, and e-mail addresses of the landowners, developer, contractor and design engineer for the proposed project.

(ii) The name of the proposed project/development.

(iii) The location of the proposed project including tax map number(s).

(iv) A description of the proposed project.

(v) Projected design flows and projected discharge rates for the proposed project.

(vi) The name, mailing address and phone number of the transportation corporation, municipal sewer district, homeowners' association or other DEC approved entity that will own and operate the sewer facilities to be constructed. A sewer extension that serves more than one property owner must be owned by a municipal sewer district, a transportation corporation, homeowner's association, or other entity approved by the New York State Department of Environmental Conservation (DEC).

(vii) Whether the owner of the sewer system to be constructed intends to dedicate the sewer system to SCSD#1.

(viii) The name, mailing address, phone number, fax number and e-mail address of a designated agent of the applicant and project's proponent to whom SCSD#1 shall direct all written, verbal, and electronic communications to the applicant and the project's proponent regarding the proposed project or connection.

D. Plan Review Fee: A plan review fee in an amount as shall be determined by the Saratoga County Sewer Commission from time to time, shall be paid by the project's proponent at the time

of the submission to SCSD#1 of a completed Request For Review form, engineer's report and construction plans. No Request For Review Form shall be accepted by SCSD#1 unless accompanied by payment of the required fee.

1.2 Timing of Submissions: If the proposed construction or connection project must be approved by the local municipal planning board or boards, the engineering report and construction plans and specifications required herein should be submitted to SCSD#1 for its review and approval prior to final approval of the proposed project or connection by the local municipal planning board or boards having oversight of the project. Nothing herein contained shall prohibit a planning board from approving a project contingent upon SCSD#1's approval of the design and construction plans for the project's sewer system.

1.3 Communication With Applicant: SCSD#1 shall communicate to the project's proponent, in writing, any requests, concerns or objections it has to the proposed project or connection after reviewing the engineering report and construction plans required herein. If the proposed project must be approved by the local municipal planning board or boards, SCSD#1 shall forward a copy of said written communication to the local municipal planning board or boards having oversight of the project.

1.4 SCSD#1's Approval of Construction Plans: SCSD#1 shall conduct a review of the submitted construction plans and specifications for compliance with the construction standards of SCSD#1's Quality Assurance Program. SCSD#1 shall not issue a construction permit pursuant to Section 3 of these Rules and Regulations until it has determined that the submitted construction plans and specifications comply with SCSD#1's construction standards. SCSD#1 shall have the authority to request such revisions to the proposed construction plans and specifications as are necessary to bring such plans and specifications into compliance with SDSD#1 standards and regulations.

1.5 Expiration of SCSD#1's Approval of Proposed Plans: SCSD#1's approval of the proposed project's construction plans and specifications, including the engineering report required herein, shall expire one year from the date of the issuance of such approval, unless the project's proponent has obtained a written commitment from SCSD#1 to reserve capacity in SCSD#1's sewer system for the proposed project, as provided herein in Section 2, within said one year period. Any person or entity whose approval expires as provided herein shall be required to resubmit the project's proposed plans, specifications and the engineering report required herein to SCSD#1 in order to re-obtain SCSD#1's approval. THE APPROVAL PROVIDED HEREIN SHALL NOT CONSTITUTE A COMMITMENT TO THE PROJECT'S PROPONENT TO RESERVE CAPACITY IN SCSD#1'S SEWER SYSTEM FOR FLOWS FROM THE PROPOSED PROJECT. Commitments to reserve capacity in SCSD#1's sewer system shall be made by SCSD#1 only as provided by Section 2 of these Rules and Regulations.

1.6 Authority of SCSD#1 To Impose Moratoriums On New Connections: SCSD#1 shall have the authority to impose a moratorium on new sewer connections to its system for any area of its system which SCSD#1 determines is either at or in excess of its actual or reserved physical capacity to transport and treat current, approved reserved and/or projected flows. SCSD#1 shall be under no obligation to review any project or connection proposed for an area in which it has imposed a moratorium on new connections to SCSD#1's system. SCSD#1 may impose moratoriums for such durations as it deems necessary to prevent the discharge of flows into the District's system in excess of the capacity limits of said sewer system.

1.7 Exemptions: The following projects and proposed connections shall be exempt from compliance with the requirements of this Section as hereinafter provided:

A. Engineer's Report Not Required: An engineer's report need not be submitted to SCSD#1 in the following situations:

(i) Low Flow Volume: Any residential or commercial project with projected flows of 800 gallons or less per day shall be exempt from compliance with the provisions of Subsection 1.1A (Engineer's Report). SCSD#1 reserves the right to override said exemption and require an engineer's report when deemed necessary by SCSD#1.

(ii) New Connections To Existing Buildings or Structures: SCSD#1 shall have the discretion to exempt any proposed project for the construction of a
new lateral or other connection to an existing building
or structure from
compliance with provisions of Subsection 1.1A
(Engineer's Report).

B. Construction Plans Not Required to be Stamped by Engineer: Proposed residential connections with projected flows of 200 gallons or less per day shall be required to provide SCSD#1 with construction plans and specifications pursuant to the provisions of Subsection 1.1B, but such construction plans and specifications shall not be required to be prepared and stamped by a licensed professional engineer or firm of licensed professional engineers.

SECTION 2 : COMMITMENT BY SCSD#1 TO RESERVE CAPACITY

2.1 Application To Reserve Capacity and Other Required Submissions:
Unless exempted by the provisions of Subsection 2.9 of these Rules and Regulations, any person or entity seeking a commitment from SCSD#1 to reserve capacity in SCSD#1's sewer system for proposed new connections to said sewer system shall apply to SCSD#1 for such commitment to reserve, in writing, on a form prescribed by SCSD#1, and shall submit with such completed application the information and documentation required herein.

- A. Application To Reserve Capacity: The applicant shall specify the following information on its application form:
- (i) The names, mailing addresses, phone numbers, fax numbers and e-mail addresses of the landowner(s), developer, contractor and design engineer for the proposed project or connection.
 - (ii) The name of the proposed project/development.
 - (iii) The location of the proposed project or connection, including tax map number(s).
 - (iv) A description of the proposed project or connection.
 - (v) Whether the proposed project or connection will be constructed in phases, the projected timetable for the completion of each phase, and the number of phases, for which a commitment to reserve capacity is sought from SCSD#1.
 - (vi) Projected design flows and projected discharge rates for the proposed project or connection and each phase thereof, and the volume of flows for which a commitment to reserve capacity is sought from SCSD#1.
 - (vii) The name, mailing address and phone number of the transportation corporation, municipal sewer district, homeowners' association or other DEC approved entity that will own and operate the sewer facilities to be constructed. A sewer extension that serves more than

one property
owner must be owned by a municipal sewer district, a
transportation
corporation, a homeowners' association or other entity
approved by the
New York State Department of Environmental
Conservation (DEC).

(viii) The name, mailing address, phone number, fax number
and e-mail address of

a designated agent of the applicant and project's
proponent to whom SCSD#1
shall direct all written, verbal, and electronic
communications to the applicant
and the project's proponent regarding the proposed
project or connection.

B. Additional Information and Documentation Required: The
applicant shall submit the following information and
documentation with its completed application form:

(i) Engineer's Report: The applicant must document
through an

engineering report prepared by a licensed engineer or
a firm of licensed
engineers both the actual capacity and the existing
available capacity in
SCSD#1's system in the area of the proposed project or
connection, the anticipated capacity needs of the
proposed project or connection, and that sufficient
capacity exists in SCSD#1's system to transport and
treat the projected flows for all phases of the
proposed project or connection for which a reservation
of capacity is requested.

(ii) Construction Plans: The applicant shall submit
construction plans and

specifications approved by SCSD#1 as being in
compliance with the construction standards of SCSD#1's
Quality Assurance Program as required pursuant to
Section 1.4 of these Rules and Regulations.

2.2 Letter of Commitment: SCSD#1 shall provide written notification
of its decision to reserve capacity in the District's sewer system for
a proposed project or connection as follows:

A. To Designated Agent for Project: SCSD#1 shall notify, in
writing, the agent designated pursuant to Subsection
2.1A(viii), of its decision to reserve capacity, and the
volume of capacity being reserved, in the District's sewer
system for the projected flows of the project or connection.

- B. To DEC: SCSD#1 shall communicate to DEC., in writing, its decision to reserve capacity in the District's system for the proposed project or connection, in accordance with DEC's rules and regulations. SCSD#1 shall provide a copy of such letter of commitment to the local municipal planning board(s) reviewing such project and to the agent designated pursuant to Subsection 2.1A (viii).

2.3 Commitment Contingent Upon Approval of Project or Connection By Local Municipal Planning Board: SCSD#1's commitment to reserve capacity in the District's sewer system for a proposed project or connection shall be contingent upon the approval of the proposed project, or proposed connection if approval is required, by the local municipal planning board or boards having jurisdiction over said project, and the project's proponent providing a copy of said planning board or boards' final written approval to SCSD#1. Said written approval may be either in the form of a resolution adopted by the planning board or the planning board's stamp of approval upon the plans for the project or connection.

2.4 Reduction of Capacity Commitment: In the event that the local municipal planning board having jurisdiction over the proposed project approves less than the number of residential or commercial units requested by the project's proponent(s), SCSD#1 shall proportionately reduce the volume of its capacity commitment to the project. SCSD#1 shall provide written notification to the agent designated pursuant to Subsection 2.1A(viii) of the reduction in SCSD#1's capacity commitment to the project.

2.5 Expiration of Commitment: Any and all commitments made by SCSD#1 to reserve capacity in the District's sewer system for proposed projects or connections shall be exclusive to the individual project or connection, and not to the individual proponent(s) of the project or connection, and shall expire as follows:

- A. Commitments Made Subsequent To April 1, 2003: All commitments made by SCSD#1 subsequent to April 1, 2003 to reserve capacity in the District's sewer system shall expire two years from the date of SCSD#1's letter of commitment to DEC unless the proponent of the project or connection, or its successors or assigns, have obtained a Construction Permit from SCSD#1 as provided in Section 3 herein.

- (i) Service of Notice Confirming Expiration: Upon the expiration of SCSD#1's two year commitment to reserve capacity, if SCSD#1 has not issued a construction permit for the proposed sewer facilities SCSD#1 shall serve written notice confirming the expiration of its commitment as of the expiration date by regular mail upon the agent designated pursuant to Subsection

2.1A(viii). The failure of the designated agent to receive said written notice shall not void or otherwise effect the expiration of SCSD#1's commitment on the expiration date. SCSD#1 shall forward copies of said written notice to the local municipal planning board or boards oversight of the project and to the New York State Department of Environmental Conservation.

B. Commitments Made Prior to April 1, 2003: All commitments made by SCSD#1 prior to April 1, 2003 to reserve capacity in the District's sewer system shall expire on April 1, 2005 unless the project's proponent, or its successors or assigns, have obtained a Construction Permit from SCSD#1 as provided in Section 3 herein.

(i) Notice of Commitment's Expiration: SCSD#1 shall serve written notice upon all persons or entities whose proposed projects have been issued a written letter of commitment from SCSD#1 prior to April 1, 2003 that SCSD#1's commitment to reserve capacity in the District's sewer system for their proposed projects shall expire on April 1, 2005 unless such persons or commercial entities shall obtain a Construction Permit from SCSD#1 as provided in Section 3 herein.

(ii) Service of Notice of Commitment's Expiration: SCSD#1 shall serve the written notice required by subsection (i) above by regular mail and certified mail, return receipt requested by no later than March 15, 2003. The failure of a person or entity to claim or receive a written notice properly addressed to the addressee at the last known address of the addressee on record with SCSD#1 shall not delay a commitment's expiration on April 1, 2005.

(iii) Service of Notice Confirming Expiration: Upon the expiration of SCSD#1's commitment to reserve capacity for proposed projects issued a written letter of commitment to reserve capacity prior to April 1, 2003, if SCSD#1 has not issued a construction permit for the proposed sewer facilities SCSD#1 shall serve written notice confirming the expiration of its commitment as of April 1, 2005 by regular mail upon all persons or entities whose proposed projects had been issued such written letters of commitment to reserve capacity prior to April 1, 2003, which mailing shall be sent to the

last known address of the addressee on record with SCSD#1. The failure of the person or entity to receive said written notice properly addressed to the addressee shall not void or otherwise effect the expiration of SCSD#1's commitment on April 1, 2005. SCSD#1 shall forward copies of said written notice to the local municipal planning board or boards having oversight of the project and to the New York State Department of Environmental Conservation.

2.6 Extensions of Commitment: Any proponent of a residential, commercial or industrial project, or connection, or its successors or assigns, who has failed to obtain a Construction Permit from SCSD#1 prior to the expiration of SCSD#1's commitment to reserve capacity for its proposed project or connection may request, in writing, a six month extension of SCSD#1's commitment to reserve capacity. Such written request must establish good cause for the granting of such extension, and shall include a detailed explanation of the reason(s) for the applicant's delay in obtaining a construction permit. Said written request shall be made to the Executive Director of SCSD#1 who shall have sole discretion to grant or deny said request. One additional six month extension may be obtained, for good cause shown, upon written request to the Saratoga County Sewer Commission. The Saratoga County Sewer Commission shall have the sole discretion to grant or deny such request for extension. There shall be no further extensions of SCSD#1's commitment to reserve capacity.

2.7 Priority of Commitments: When determining the availability of capacity in the District's sewer system for proposed projects or connections, the priority accorded commitments made by SCSD#1 to reserve capacity shall be determined as of the date of an applicant's filing of a complete written application for a letter of commitment, engineer's report, construction plans and specifications with SCSD#1 as required by Subsection 2.1. SCSD#1 shall notify the agent designated pursuant to Subsection 2.1A(viii), in writing, of the date that the applicant's permit application is deemed complete.

2.8 Lack of Capacity: SCSD#1 shall have the authority to deny a request to reserve capacity in its sanitary sewer system for proposed projects and connections to any area of its sewer system for which SCSD#1 has imposed a moratorium on new sewer projects and connections due to a lack of capacity to transport and treat current, approved reserved and/or projected flows. SCSD#1 may deny a request to reserve capacity in its sanitary sewer system even when actual physical capacity to accept the flows from the proposed project or connection exists in the area of the proposed project or connection, if honoring SCSD#1's existing commitments to reserve capacity for unbuilt projects or connections in the area would bring the sewer system to its actual physical capacity in the event such unbuilt projects or connections were to be constructed.

A. Wait List: SCSD#1 shall promptly place the name of any applicant denied its request to reserve capacity in SCSD#1's

sewer system on grounds of either a moratorium on new projects and connections imposed by SCSD#1 or a lack of capacity in SCSD#1's sewer system to accept the projected flows for the proposed project or connection, on a waiting list of proposed projects and connections awaiting the creation of sufficient capacity in SCSD#1's sewer system to merit SCSD#1's approval of the applicant's request for a commitment to reserve capacity in SCSD#1's system for the proposed project or connection. Projects and connections listed on the waiting list will be accorded priority in accordance with the provisions of Subsections 2.7 and 2.8(c) of these Rules and Regulations. SCSD#1 shall provide copies of its current wait list to local municipalities on an annual basis by April 1 of each year.

- B. Creation of Capacity Through Release of Committed Capacity: In addition to the creation of capacity through an expansion of SCSD#1 sewer facilities, capacity to accept the flows of a proposed project or connection may also be created by the irrevocable release by an unbuilt project or connection of some or all of the capacity that SCSD#1 has reserved for such unbuilt project or connection. Such irrevocable release of capacity by the person or entity to whom the commitment to reserve capacity was made shall be made in writing by such person or entity to SCSD#1 on a form to be provided by SCSD#1.
- C. Determination Of Which Proposed Project or Connection Receives Released Capacity: When capacity to transport and treat actual or projected flows is created in SCSD#1's sewer system either through a publicly financed expansion of SCSD#1's sewer facilities or through an irrevocable release by an unbuilt projection or connection to SCSD#1 of some or all of the capacity reserved by SCSD#1 for such unbuilt project or connection, SCSD#1 shall determine which project(s) or connection(s) on its waiting list maintained pursuant to Subsection 2.8(A) of these Rules and Regulations shall be accorded a reservation of capacity in SCSD#1's sewer system in accordance with the following procedure:
- (i) Priority In Time: Projects and connections on the waiting list shall first be prioritized according to the date that an applicant for a reservation of capacity submitted a complete written application for a letter of commitment to reserve capacity, engineer's report, construction plans and specifications with SCSD#1 as provided by Subsection 2.7 of these Rules and Regulations. The project or connection first in time to submit a complete written application for a reservation of capacity, engineer's report, construction plans and specifications shall be

accorded the highest priority, and the project or connection last in time to submit a complete written application for a reservation of capacity, engineer's report, construction plans and specifications shall be accorded the lowest priority.

- (ii) Capacity Needs: Once the projects and connections on the waiting list have been prioritized according to Subsection 2.7 of these Rules and

Regulations, SCSD#1 shall then issue a commitment to reserve capacity to the highest prioritized project or connection, provided that the capacity needs for such project or connection are no greater than the available capacity created and/or released in SCSD#1's sewer system. If after making a commitment to reserve capacity as herein provided additional available capacity exists in SCSD#1's sewer system, SCSD#1 may continue to make additional commitments to reserve capacity to projects or connections listed on SCSD#1's waiting list based upon the order of their priority and their capacity needs being no greater than the remaining capacity available in SCSD#1's system.

- (a) Capacity Needs In Excess of Available Capacity:

In the event that the capacity needs of the highest prioritized project or connection are greater than the available capacity created and/or released in SCSD#1's sewer system, the proponent of the project or connection shall have the option of reducing the scope of the project or connection and its capacity needs, and accepting a commitment from SCSD#1 reserving the available capacity in SCSD#1's system. If the proponent of the project or connection elects such option, the project or connection shall retain its priority as to the remaining portion of its original capacity needs. If the proponent declines such option, SCSD#1 shall hold all such available capacity in SCSD#1's sewer system in reserve, to be combined and accumulated with any subsequently created and/or released available capacity in SCSD#1's sewer system. Available capacity in SCSD#1's sewer system shall continue to accumulate and be held in reserve until such available capacity is equal to or greater than the actual or remaining capacity needs of the highest prioritized project or connection, at which time SCSD#1 shall issue a commitment to reserve capacity in accordance with the provisions of this Subsection.

- (b) Exception For Privately Financed Capacity

UpGrades: Any person or entity who is willing to privately finance improvements to SCSD#1's sewer system in order to upgrade the available capacity in said sewer system to service the capacity needs of the proponent's project or connections shall be exempt from the provisions determining the priority of SCSD#1's commitments to reserve capacity set forth in Subsections 2.7 and 2.8 of these Rules and Regulations. All such privately financed improvements to SCSD#1's sewer system and the volume of capacity that may be reserved for the present and future capacity needs of the project or projects shall be subject to the prior approval of the Saratoga County Sewer Commission, which approval shall be in the form of a resolution.

(iii) Waiver of Priority: The proponent of a project or connection may, in writing to SCSD#1, waive the priority accorded its project or connection on a temporary basis.

(iv) Removal From Wait List: The proponent of a project or connection may, in writing to SCSD#1, request the permanent removal of the project or connection from the waiting list maintained by SCSD#1 pursuant to Subsection 2.8(A) of these Rules and Regulations.

2.9 Exemption for Small Projects: Any residential or commercial project with projected flows of 800 gallons or less per day shall be exempt from compliance with the provisions of this Section 2.

2.10 Notification of Changes: The applicant shall promptly notify SCSD#1, in writing, of any changes in the information and documentation required to be provided to SCSD#1 pursuant to Subsection 2.1 of these Rules and Regulations.

2.11 Conditions Accepted by Applicant: An applicant for a commitment from SCSD#1 to reserve capacity in SCSD#1's sanitary sewer system shall be bound by the execution of such application as follows:

- A. Bound by Rules and Regulations: By executing an application requesting a commitment from SCSD#1 to reserve capacity in SCSD#1's sanitary sewer system for a proposed residential or commercial project pursuant to Subsection 2.1 of these Rules and Regulations, an applicant expressly agrees to be bound by these Rules and Regulations.
- B. Bound by Actions and Decisions of Designated Agent: By naming a designated agent pursuant to Subsection 2.1(A)(iii)

of these Rules and Regulations, an applicant expressly agrees to be bound by all actions and decisions made by such designated agent.

**SECTION 3: PROCEDURE FOR OBTAINING CONSTRUCTION
PERMIT AND RELATED MATTERS**

3.1 Application For Permit: Any person or entity seeking a permit to construct new sewer facilities which are designed to connect to, and/or discharge into, SCSD#1's sewer system shall apply to SCSD#1 for such construction permit, in writing, on a form prescribed by SCSD#1.

A. Information Required: The applicant shall specify the following information on its application form:

- (i) The names, mailing addresses, phone numbers, fax numbers and e-mail addresses of the landowner(s), developer, contractor and project engineer for the proposed project or connection, and of any successor or assign thereof.
- (ii) The name of the proposed project/development.
- (iii) The location of the proposed project or connection including tax map number(s).
- (iv) A description of the proposed project or connection.
- (v) Projected design flows and discharge rates for the proposed project or connection and each phase thereof.
- (vi) The name, mailing address, phone number, and fax number of the transportation corporation, municipal sewer district, homeowners' association or other DEC approved entity that will own and operate the sewer facilities to be constructed. A sewer extension that serves more than one property owner must be owned by a municipal sewer district a transportation corporation, homeowners' association or other entity approved by the New York State Department of Environmental Conservation (DEC).
- (vii) The person, firm, corporation or other entity that is to be named as the permittee on the construction permit.

(viii) If the project or connection is to be constructed in phases, the number of phases for which a construction permit is sought to be obtained.

(ix) The name, mailing address, phone number, fax number and e-mail address of a designated agent of the applicant and proponent of the project or connection to whom SCSD#1 shall direct all written, verbal and electronic communications to the applicant and the proponent of the project or connection regarding the proposed project or connection.

B. Additional Documentation Required: In addition to its completed application form, an applicant must also submit to SCSD#1, unless exempted pursuant to the provisions of Subsection 3.9 of these Rules and Regulations, the following:

(i) Stamped Construction Plans: Final construction plans and specifications for the proposed project which bear the stamped approvals of the DEC, if DEC approval is required, and the local municipality or municipalities in which the project is located. The stamped approval of a local municipality on construction plans and specifications for a proposed connection shall only be required when municipal approval of the proposed connection is required by the local municipality.

(ii) Insurance: A certificate of general liability insurance insuring the entity which will be constructing the sewer system or connection, with coverages of at least \$1,000,000 single injury and \$1,000,000 to property. The insurer must be authorized to do business in New York State. The policy's terms must be satisfactory to the County Attorney and must name the County of Saratoga (and not SCSD#1) as an additional insured as well as certificate holder. The policy must require that the County of Saratoga, c/o Saratoga County Sewer District #1, P.O. Box 550, Mechanicville, New York, 12180, be notified at least thirty (30) days prior to cancellation of said policy.

(iii) Additional Permits, Easements and Licenses: Any additional permits, licenses, or easements required to be obtained from the local municipality, the State of New York, any railroad corporation, landowner, or other involved agency, district, authority or governmental unit must be obtained prior to performing any sewer construction work. Any permit, license or easement which the landowner, developer or contractor anticipates

assigning to SCSD#1, must be approved by the Saratoga County Attorney's Office prior to such landowner, developer or contractor executing such permit, license or easement.

3.2 Fees Required: Any person or entity seeking a permit to construct a sewer system or connection which will discharge into SCSD#1's sewer system, shall prior to the approval and/or issuance of such permit to construct, pay the following fees to SCSD#1:

A. Inspection Fees: Prior to the approval and/or issuance of a permit to construct the applicant shall pay to SCSD#1 an inspection fee or fees to cover the costs of construction inspection, system testing and certification of "as built" plans conducted pursuant to Section 4 of these Rules and Regulations. Said inspection fees shall be in such amounts as are established by the Saratoga County Sewer Commission from time to time.

B. Additional Charges: Fees other than inspection fees may be assessed by SCSD#1 for projects or connections with difficult site or water conditions, or projects or connections of unusually high complexity or extensive off-site improvements. Said fees shall be in such amounts as are established by the Saratoga County Sewer Commission from time to time.

3.3 Issuance of Permit: Upon an applicant's successful completion of the requirements set forth in Subsection 3.1, the payment to SCSD#1 of all fees required pursuant to Subsection 3.2, and the appropriate review and approval by SCSD#1 of all such information and documentation required of the applicant, SCSD#1 shall stamp its approval upon the construction plans and specifications stamped by DEC and the local municipality, and grant a construction permit to the permittee named on the applicant's written application for a permit to construct new sewer facilities or connections. Said permit shall become effective upon being duly signed and dated by the permittee and SCSD#1.

3.4 Expiration of Permit: Any permit issued by SCSD#1 to construct sanitary sewer facilities or connections shall expire one (1) year from its date of execution, unless extended as provided herein. All sanitary sewer facilities must be properly constructed, and an engineer's inspection certification issued to SCSD#1 pursuant to Subsection 4.4 of these Rules and Regulations, prior to the expiration of the permit issued to construct such facilities.

A. Extensions: A permittee may request an extension of a construction permit, prior to the permit's expiration, as follows:

(i) Twelve Month Extension: A permittee may request, in writing to

SCSD#1, an extension of a construction permit for a period of twelve months. Such written request must be made at least thirty (30) days prior to the expiration date of the permit, and must establish good cause for the granting of such extension. The Executive Director of SCSD#1 shall have the sole discretion to grant or deny a request for an extension of a construction permit.

(ii) Additional Six Month Extension: A permittee may request one additional six month extension of a construction permit. Said request shall be made in writing to the Saratoga County Sewer Commission at least thirty (30) days prior to the expiration date of the permit, and must establish good cause for the granting of the requested extension. The Saratoga County Sewer Commission shall have the sole discretion to grant or deny such request for an extension. No further extensions may be obtained.

B. Effect Of Expiration On Commitment To Reserve Capacity: The expiration of a permit pursuant to the provisions this section shall have the effect of concurrently terminating SCSD#1's commitment to reserve capacity for the proposed project or connection.

3.5 Revocation of Permit: SCSD#1 shall have the right to revoke any permit to construct sanitary sewer facilities if SCSD#1 discovers storm water, ground water or flows containing metal or toxic substances, that were not previously disclosed by the permittee on its permit application, that pose a risk of influx or infiltration into the sewer facilities to be constructed.

3.6 Responsibilities of Permittee: The permittee shall be responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for the permitted project or connection. The permit shall not be construed as conveying to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work, nor as authorizing the impairment of any right, title or interest in any real or personal property held by, or vested in, a person not a party to the permit.

3.7 Conditions Accepted By Permittee: By executing a permit to construct sanitary sewer facilities, a permittee expressly accepts the following conditions to such permit granted by SCSD#1:

A. Legal Responsibility For Damages: The permittee shall be legally responsible for all damages, direct or indirect, of whatever nature, and by whomever suffered, arising out of the construction of the permitted project or connection.

- B. Indemnification: The permittee shall at all times indemnify and save harmless SCSD#1 and the County of Saratoga from and against any and all claims, losses, actions and demands whatsoever, including costs, litigation expenses, counsel fees and liabilities in connection therewith arising out of injury to or death of any person whatsoever or damage to any property of any kind by whomsoever owned, caused in whole or in part, directly or indirectly, by any person employed by said permittee, its contractors, subcontractors, material men or any person directly or indirectly employed by them or any of them while engaged in the performance of the work to be performed by the permittee, or any activity associated therewith or relative thereto.

- C. Special Conditions: By acceptance of the permit to construct the permittee agrees that the permit is conditioned upon strict compliance with any special conditions made a part of the permit.

- D. Cooperation With Inspection and Testing Services: The permittee shall at all times cooperate in allowing and facilitating the professional inspection and testing of all sewer facilities under construction, which inspections and testing shall be conducted by a duly licensed engineer or firm of duly licensed engineers in the employ of, retained by or approved by SCSD#1 in order to assure compliance with SCSD#1's standards.

- E. Notification of Changes: The permittee shall promptly notify SCSD#1, in writing, of any changes in the information and documentation required to be provided to SCSD#1 pursuant to Subsection 3.1 of these Rules and Regulations.

- F. Bound by Actions and Decisions of Designated Agent: The permittee expressly agrees to be bound by all actions and decisions made by its agent designated pursuant to Subsection 3.1 (A)(ix) of these Rules and Regulations.

3.8 Successor Permittees: Any request to SCSD#1 to change the identity of the person or entity named as the permittee on a permit granted by SCSD#1 to construct sanitary sewer facilities, shall be jointly made in writing to SCSD#1 by the current named permittee and the proposed successor permittee. SCSD#1 shall issue an amended construction permit which shall become effective upon being signed and dated by the successor permittee and SCSD#1. A successor permittee shall be bound by all applicable provisions of these Rules and Regulations in the same manner as was the original permittee. A successor permittee shall further be bound by all prior actions taken by the original or any predecessor permittee in furtherance of the construction of the sanitary sewer facilities.

3.9 Exemption for Small Projects: SCSD#1 shall have the discretion to exempt any residential or commercial project or connection with projected flows of 800 gallons or less per day from compliance with one or more of the requirements set forth in Subsection 3.1B after due consideration of the capacity needs, location, design, construction complexities, and/or any other relevant factors of the project or connection.

SECTION 4: CONSTRUCTION AND/OR CONNECTION OF SEWER FACILITIES

4.1. Notice of Intention To Commence Work: The permittee shall file in the office of the Executive Director of SCSD#1 a written notice of intention to commence work at least forty-eight (48) hours in advance of the time of commencement of construction.

4.2. Performance of Work: All work performed under a permit issued by SCSD#1 to construct sewer facilities and appurtenances shall comply with the following requirements:

- A. OSHA and NYSDOT Requirements: All work and excavation shall conform to the latest requirements of the Occupational Safety and Health Administration (OSHA) and the New York State Department of Transportation.
- B. SCSD#1's Standards: All work carried out under the permit to construct shall be performed in accordance with SCSD#1's standards and the standards of SCSD#1's Quality Assurance Program.
- C. Work Standards: All work carried out under the permit to construct shall be performed in accordance with established engineering practice and in a workmanlike manner.
- D. Change Orders: In the event of a design change in the sewer facilities to be constructed, the permittee shall complete a change order form prescribed by SCSD#1, which completed change order form must be approved by SCSD#1 prior to the commencement of construction of the requested change.

4.3. Inspection of Work By SCSD#1 Or Its Agents: In accordance with SCSD#1's "New Construction Quality Assurance Program" instituted by SCSD#1 effective July 1, 1994, all new construction of sanitary sewer facilities which will be discharging into SCSD#1's wastewater treatment plant must be designed and built in conformance with SCSD#1's specifications. All new construction of sanitary facilities for commercial and industrial projects and connections shall be professionally inspected and tested by a duly licensed engineer or firm of duly licensed engineers in the employ of, retained by, or approved by SCSD#1 in order to assure compliance with SCSD#1's standards.

- A. Suspension of Work: SCSD#1's Quality Assurance Supervisor shall have the right to order construction work suspended if the public interest so requires.

- B. Correction of Deficient or Unacceptable Work: A permittee shall correct deficient or unacceptable work as determined by SCSD#1 or its duly authorized agent. A permittee shall also correct unacceptable design changes, as determined by SCSD#1 or its duly authorized agent, that may be proposed by the permittee as a result of varying field conditions.

4.4 Engineer's Inspection Certification: Upon completion of the construction and installation of new sanitary sewer facilities, any engineer or firm of licensed engineers which inspected the construction work pursuant to the provisions of Subsection 4.3 herein shall conduct a final inspection, and shall issue a written certification to SCSD#1 that the sewer lines have been constructed in accordance with the design plans and any addenda thereto approved by SCSD#1, and that all testing required by SCSD#1 has occurred.

4.5 Recording of Easements: The permittee shall file in the Saratoga County Clerk's Office any and all easements required or needed by either SCSD#1, a duly organized transportation corporation, a homeowners' association or other New York State Department of Environmental Conservation approved entity, to maintain, repair, replace, reconstruct, inspect, use and operate the newly constructed sewer facilities and appurtenances, together with all rights of ingress and egress needed to effectuate the purposes of said easement. The permittee shall be responsible for the payment of any recording fees due the Saratoga County Clerk.

- A. County Attorney and SCSD#1 Approval: All easements required herein to be filed by the permittee in the Saratoga County Clerk's Office, must be approved by SCSD#1 and the Saratoga County Attorney's Office prior to filing.
- B. Filing With SCSD#1: After recording the original easement in the Saratoga County Clerk's Office, the permittee shall promptly file with SCSD#1 a time stamped copy of said easement bearing the date and time of the filing of said easement in the Saratoga County Clerk's Office.

**SECTION 5: ACCEPTANCE OF FLOWS FROM NEWLY
CONSTRUCTED OR CONNECTED SANITARY SEWER FACILITIES**

5.1 Notice To Municipality Of Acceptance Of Flows: Upon the permittee's compliance with the requirements set forth in Section 4 herein, and the payment of all outstanding fees owed to SCSD#1, SCSD#1 shall provide written notification to the local municipality or municipalities where the newly constructed sewer facilities are located that the installation, testing and any required videotaping of the sanitary sewer system or connection is complete, that all phases of the work meet SCSD#1's standards for certification, that SCSD#1 has accepted, or will accept, flows from the system or connection as of a specified date, and identifying the owner of the sanitary sewer system.

PART II : DEDICATION OF SANITARY SEWER FACILITIES

TO SARATOGA COUNTY SEWER

DISTRICT #1

SECTION 6 : DEDICATION OF NEWLY CONSTRUCTED SANITARY
SEWER FACILITIES TO SCSD#1

6.1 Requirements For Dedication Of Newly Constructed Sanitary Sewer Facilities to SCSD#1: An owner of newly constructed sanitary sewer facilities and the land upon which any pump stations or other appurtenances are situated may propose to dedicate said sanitary sewer facilities and land to SCSD#1, and SCSD#1 may agree to accept such proposed dedication, upon said owner's satisfaction of the following requirements:

- A. Warranty Deed and Survey: A warranty deed naming the Saratoga County Sewer District #1 as Grantee and a survey for all sanitary sewer facilities and the land upon which any pump station or other appurtenances are situated shall be provided by the owner to SCSD#1. Said Warranty Deed shall contain a conveyance of the owner's title to all real and personal property constituting the sewer system, and must be approved by the Saratoga County Attorney's Office as to form and content prior to its execution.
- B. Easements, Licenses and Permits: The owner of the sanitary sewer facilities and the land upon which any pump stations or other appurtenances are situated shall provide or assign to SCSD#1 any easements, licenses or permits, or assignments thereof, needed from the landowner(s) of the premises in which the sewer system is located, the local municipality or municipalities, the State of New York, any railroad corporation, landowner, or other involved agency, district, authority or governmental unit in order to maintain, repair, replace, reconstruct, inspect, use and operate the newly constructed sewer facilities and appurtenances, together with all rights of ingress and egress needed to effectuate the purposes of said easements, licenses and permits. All such easements, licenses, permits and assignments shall contain a conveyance of the owner's title to all pipes, equipment, and fixtures constituting the sewer system, and must be approved by the Saratoga County Attorney's Office as to form and content prior to their execution.
- C. Title Insurance and Searches: The owner of the sanitary sewer facilities and the land upon which any pump stations or

other appurtenances are situated shall provide to SCSD#1, at said owner's expense, a policy of title insurance for all facilities and property being dedicated to SCSD#1, together with appropriate searches, including UCC search, Judgment search, Lien search and Tax search. The Saratoga County Sewer District #1 shall be named as the insured on said title policy.

- D. Inventory: The owner of the sanitary sewer facilities shall provide to SCSD#1 an inventory of all pipes, conduits, pumps and other related equipment and fixtures constituting the sanitary sewer system.
- E. Warranties: The owner of the sanitary sewer facilities shall provide and/or transfer to SCSD#1 all warranties for the infrastructure, equipment, and fixtures constituting the sanitary sewer system. The owner shall provide his own warranty of good and merchantable title for the infrastructure, equipment and fixtures being dedicated.
- F. Releases of Mechanic's Liens: The owner of the sanitary sewer facilities shall satisfy all mechanic's liens filed against the sanitary sewer facilities and the premises through which the sanitary sewer facilities are located. Said owner shall provide to SCSD#1 proof of the satisfaction of said mechanic's liens, which proof shall be in the form of time-stamped copies of any releases of mechanic's liens which must be filed in the Saratoga County Clerk's Office in order to discharge all such mechanic's liens on record in the Saratoga County Clerk's Office.
- G. Bond, Irrevocable Letter of Credit or Other Approved Security: The owner of the sanitary sewer facilities shall provide to SCSD#1 a bond, irrevocable letter of credit or other security acceptable to SCSD#1, to guarantee the payment by the owner of the cost of any necessary repairs to sanitary sewer facilities for a period of one year from the date of the Saratoga County Sewer Commission's passage of a resolution accepting the dedication of said sewer facilities to SCSD#1. Such bond, irrevocable letter of credit or other security must satisfy the criteria set forth in Section 6.2 herein.
- H. Corporate Resolution Authorizing Dedication: If the sanitary facilities are owned by a corporation the corporation must provide SCSD#1 with a resolution passed by the corporation's board of directors authorizing the dedication of the sewer facilities of SCSD#1.
- I. Any Other Requirements Established By The Saratoga County Attorney: The owner of the sanitary sewer facilities shall satisfy any other requirements that the Saratoga County Attorney may determine are necessary and appropriate given

the circumstances of the proposed dedication, including but not limited to: an order of a bankruptcy or other court of competent jurisdiction approving the dedication; a customer list; the owner's representation and warranty as to existing liens; satisfaction(s) of judgment(s); release(s) of lien(s); a tax letter and a certificate of good standing.

6.2 Bonds, Irrevocable Letters of Credit or Other Security:

A. Qualifications of Issuer:

(i) Bond: Any bond naming the Saratoga County Sewer District #1 as principal or obligee must be issued by a bonding or surety company authorized to do business in the State of New York.

(ii) Letter of Credit: An irrevocable letter of credit naming the Saratoga County Sewer District #1 as beneficiary must be issued by a bank located and authorized to do business in the State of New York.

(iii) Other Security: Any other security issued for the benefit of the Saratoga County Sewer District #1 must be issued or held by a bank, trust company, bonding company, or surety company located in and authorized to do business in the State of New York.

B. Amount: Any bond naming the Saratoga County Sewer District #1 as principal or obligee, any irrevocable letter of credit naming Saratoga County Sewer District #1 as beneficiary, or any other security approved by Saratoga County Sewer District #1 to secure the payment of any necessary repairs or maintenance of the sanitary sewer facilities dedicated to SCSD#1 shall be in the amount of twenty percent (20%) of the actual construction costs of the sanitary sewer facilities for labor and materials.

C. Term: Any bond, irrevocable letter of credit or other security provided to the Saratoga County Sewer District #1 pursuant to these provisions shall be for a term of one year from the date of the Saratoga County Sewer Commission's passage of a resolution accepting the dedicated sanitary sewer facilities. In the event no claims for performance are made by SCSD#1 upon the bond, irrevocable letter of credit, or other security provided within said one year period, the obligation of any bonding company, surety company, bank or trust company thereunder to SCSD#1 shall be null and void and of no further effect. In the event that one or more claims

for performance are made by SCSD#1 upon the bond, irrevocable letter of credit or other security provided within said one year period, the obligation or any bonding company, surety company, bank or trust company thereunder to SCSD#1 shall remain in full force and effect until all such claims made within said one year period for the performance of maintenance and repairs have been resolved by the performance of the demanded repairs and maintenance to SCSD#1's satisfaction and acceptance thereof.

(i) Additional Warranty: Prior to any person or commercial entity performing maintenance or repairs pursuant to any performance bond, irrevocable letter of credit or other security issued pursuant to Subsection 6.1 (G) of these Rules and Regulations, such person or commercial entity shall provide SCSD#1 with a written warranty guaranteeing all maintenance and repairs performed for a period of one year from the date of the acceptance of such repairs and maintenance by SCSD#1.

D. County Attorney Approval: All bonds naming the Saratoga County Sewer District #1 as principal or obligee, all irrevocable letters of credit naming Saratoga County Sewer District #1 as beneficiary, and any other security issued for the benefit of Saratoga County Sewer District #1 must be approved by the Saratoga County Attorney as to form and content.

6.3 SCSD#1's Right To Reject the Proffered Dedication: SCSD#1 shall have the right to reject the proposed dedication to SCSD#1 of any sanitary sewer system which fails to meet SCSD#1 construction standards or the standards of SCSD#1's Quality Assurance Program, or for which any easement, license or permit, or assignment thereof, needed to maintain, repair, replace, reconstruct, inspect, use and operate the sanitary sewer system has been rejected by the Saratoga County Attorney's Office as being unacceptable as to form or content.

6.4 Resolution of Saratoga County Sewer Commission Accepting Dedication Required: No proposed dedication of sanitary sewer facilities to SCSD#1 shall be accepted by SCSD#1 until the Board of Commissioners of Saratoga County Sewer District #1 has passed a resolution approving and authorizing SCSD#1 to accept the proposed dedication. The Board of Commissioners shall have the discretion to reject any proffered dedication of sanitary sewer facilities which otherwise satisfies the requirements of this Section 6, in light of any ownership, environmental, liability, financial or other relevant concerns regarding the proposed dedication or future operation of the proffered sewer system.

6.5 Sewer Systems Ineligible for Dedication: The following sanitary sewer systems are ineligible for dedication to SCSD#1:

- A. Sewer Systems Located Wholly Outside SCSD#1's Boundaries:
SCSD#1 shall not accept any proffered dedication of newly constructed sanitary sewer facilities located wholly outside the boundaries of SCSD#1 as said boundaries are established or modified by the Saratoga County Board of Supervisors pursuant to Article 5-A of the County Law of the State of New York. SCSD#1 may accept a proffered dedication of sanitary sewer facilities which extend in part beyond the boundaries of SCSD#1.

- B. Sewer Systems Discharging Into Sewer Systems Not Owned By SCSD#1:
SCSD#1 shall not accept any proffered dedication of newly constructed sanitary sewer facilities which discharge into a sewer system which is not owned by SCSD#1.

6.6 Dedication To Be At No Cost To SCSD#1: All dedications of newly constructed sewer systems to SCSD#1 pursuant to this Section 6 shall be effected at no cost to SCSD#1. SCSD#1 is prohibited from obligating itself to satisfy any debt incurred in the design and construction of the proffered sewer system.

**SECTION 7: DEDICATION OF SEWER SYSTEMS ABANDONED TO
AND/OR OWNED BY MUNICIPALITIES**

7.1 Requirements For Dedication of Sewer Systems Abandoned To And/Or Owned By Municipalities: Except as provided in Subsection 7.4 herein, any municipality which owns and operates sanitary sewer facilities, including those sanitary sewer facilities abandoned to a municipality by a transportation corporation organized pursuant to Article 10 of the Transportation Corporations Law of the State of New York, may propose to dedicate said sanitary sewer facilities and the land upon which any pump stations or other appurtenances are situated to SCSD#1, and SCSD#1 may agree to accept such proposed dedication, upon the municipality's satisfaction of the following requirements:

- A. Deed of Dedication: A municipality proposing to dedicate to SCSD#1 sanitary sewer facilities and the land upon which any pump stations or other appurtenances are situated, shall provide to SCSD#1 a deed of dedication as follows:
- (i) Quitclaim Deed: In cases of sewer systems abandoned to a municipality by a transportation corporation, the municipality shall provide to SCSD#1 a quitclaim deed naming the Saratoga County Sewer District #1 as Grantee which quitclaims all right, title and interest of the municipality to all real and personal property constituting the sewer system. Said Quitclaim Deed must be approved by the Saratoga County Attorney's Office as to form and content prior to its execution.
 - (ii) Warranty Deed: In all other cases where title to the sewer system did not vest in a municipality by virtue of the abandonment of the sewer system by a transportation corporation, the municipality shall provide to SCSD#1 a warranty deed naming the Saratoga County Sewer District #1 as Grantee which conveys all right, title and interest of the municipality to all real and personal property constituting the sewer system. Said Warranty Deed must be approved by the Saratoga County Attorney's Office as to form and content prior to its execution.
- B. As-Built Drawings Or A Map Locating The Sewer System: The municipality shall provide to SCSD#1 either as-built drawings

or a map detailing the current location of all sewer lines, pump stations, and appurtenances constituting the sewer system to be dedicated.

- C. Easements, Licenses and Permits: The municipality shall provide or assign to SCSD#1 any easements, licenses or permits, needed from any landowner(s) of premises upon which the sewer facilities are located, the municipality, the State of New York, any railroad corporation, or other involved municipality, agency, district, authority or governmental unit, in order to maintain, repair, replace, reconstruct, inspect, use or operate the sewer facilities to be dedicated, together with all rights of ingress and egress needed to effectuate the purposes of said easements, licenses and permits. All such easements, licenses, permits and assignments shall contain a conveyance of the grantor's or assignor's right, title and interest to all pipes, equipment, and fixtures constituting the sewer system; and must be approved by the Saratoga County Attorney's Office as to form and content prior to their execution.

- D. Title Insurance and Searches: The municipality shall provide to SCSD#1, at said municipality's expense, a policy of title insurance for all facilities and property being dedicated to SCSD#1, together with all appropriate searches, including a UCC search, Judgment search, Lien search and Tax search. The Saratoga County Sewer District #1 shall be named as the insured on said title policy.

- E. Inventory: The municipality shall provide to SCSD#1 an inventory of all pipes, conduits, pumps and other related equipment and fixtures constituting the sanitary sewer system.

- F. Warranties: The municipality shall provide and/or transfer to SCSD#1 any unexpired warranties for the infrastructure, equipment, and fixtures constituting the sanitary sewer system.

- G. Operational Guides and Manuals: The municipality shall provide to SCSD#1 any operational guides and manuals, either in the municipality's possession or accessible to the municipality, for all equipment and fixtures constituting the sanitary sewer system.

- H. Releases of Liens: The municipality shall act to ensure the satisfaction of all liens filed against the sanitary sewer facilities of which the municipality has actual or constructive notice. The municipality shall provide to SCSD#1 proof of the satisfaction of said liens, which proof shall be in the form of time stamped copies of any releases or satisfactions of liens required to be filed in the Saratoga County Clerk's Office in order to discharge all such

liens on record in said Clerk's Office.

- I. Guarantee of Repairs For One Year: The municipality shall provide to SCSD#1 a written guarantee by the municipality to reimburse SCSD#1 for the cost of any necessary repairs in excess of the sum of the sum of \$3,000.00 for a period of one year following the completion of the recording of all of the municipality's Deeds of Dedication in the Saratoga County Clerk's Office. The municipality's liability to SCSD#1 shall be limited to that portion of the cost of any individual repair which is in excess of the amount of \$3,000.00. Said written guarantee of payment must be approved by the Saratoga County Attorney's Office as to form and content prior to its execution.

- J. Engineer's Report and Recommendations: The sanitary sewer system to be dedicated to SCSD#1 shall be professionally inspected and tested by a duly licensed engineer or firm of duly licensed engineers in the employ of, retained by, or approved by SCSD#1, at the municipality's expense. Said engineer or engineering firm shall prepare a report to the municipality and SCSD#1, at the municipality's expense, detailing the engineer's or firm's findings and conclusions regarding such inspection and testing, and setting forth recommendations as to the advisability of SCSD#1 accepting ownership of the sewer system, and the need for any repairs or improvements to the sewer system prior to its dedication. The municipality shall make any repairs or improvements recommended in said engineer's report that SCSD#1 requests be made prior to accepting the dedication. All such repairs and improvements shall be made at the municipality's expense.

- K. Municipal Resolution Authorizing Dedication: The municipality shall provide SCSD#1 with a copy of resolution passed by the municipality's governing body authorizing the municipality's dedication of the sanitary sewer system to SCSD#1.

- L. Any Other Requirements Established By The Saratoga County Attorney: The municipality shall satisfy any other requirements that the Saratoga County Attorney may determine are necessary and appropriate given the circumstances of the proposed dedication.

7.2 SCSD#1's Right to Reject the Proffered Dedication: SCSD#1 shall have the right to reject the proposed dedication to SCSD#1 of any sanitary sewer system which fails to meet SCSD#1 construction standards or the standards of SCSD#1's Quality Assurance Program, or for which any easement, license or permit, or assignment thereof, needed to maintain, repair, replace, reconstruct, inspect, use and operate the sanitary sewer system has been rejected by the Saratoga County Attorney's Office as being unacceptable as to form and content.

7.3 Resolution of Saratoga County Sewer Commission Accepting Dedication Required: No proposed dedication of sanitary sewer facilities to SCSD#1 shall be accepted by SCSD#1 until the Board of Commissioners of Saratoga County Sewer District #1 has passed a resolution approving and authorizing SCSD#1 to accept the proposed dedication. The Board of Commissioners shall have the discretion to reject any proffered dedication of sanitary sewer facilities which otherwise satisfies the requirements of this Section 7, in light of any ownership, environmental, liability, financial or other relevant concerns regarding the proposed dedication or future operation of the proffered sewer system.

7.4 Sewer Systems Ineligible for Dedication: The following sanitary sewer systems are ineligible for dedication to SCSD#1:

- A. Sewer Systems Located Wholly Outside SCSD#1's Boundaries: SCSD#1 shall not accept any proffered dedication of sanitary sewer facilities located wholly outside the boundaries of SCSD#1 as said boundaries are established or modified by the Saratoga County Board of Supervisors pursuant to Article 5-A of the County Law of the State of New York. SCSD#1 may accept a proffered dedication of sanitary sewer facilities which extend in part beyond the boundaries of SCSD#1.
- B. Sewer Systems Discharging Into Sewer Systems Not Owned By SCSD#1: SCSD#1 shall not accept any proffered dedication of sanitary sewer facilities which discharge into a sewer system which is not owned by SCSD#1.

7.5 Dedication To Be At No Cost To SCSD#1: All dedications of sanitary sewer systems to SCSD#1 pursuant to this Section 7 shall be effected at no cost to SCSD#1.

7.6 Prohibition On Acceptance Of Debt: SCSD#1 shall be prohibited from accepting any proffered dedication of a sanitary sewer system encumbered by debt. SCSD#1 shall not pay, agree to pay or otherwise satisfy any debt encumbering a sanitary sewer system abandoned to and/or owned by a municipality.

**SECTION 8 : DEDICATION OF EXISTING SEWER SYSTEMS OWNED
BY A TRANSPORTATION CORPORATION, HOMEOWNERS
ASSOCIATION OR OTHER AUTHORIZED ENTITY**

8.1 Requirements For Dedication of Existing Sewer Systems Owned By a Transportation Corporation, Homeowners Association or Other DEC Authorized Entity: Except as provided in Subsection 8.5 herein, any transportation corporation organized pursuant to Article 10 of the Transportation Corporations Law of the State of New York, any homeowners association, or any other entity authorized by the New York State Department of Environmental Conservation (DEC), which owns sanitary sewer facilities, may propose to dedicate said sanitary sewer facilities and the land upon which any pump stations or other appurtenances are situated to SCSD#1, and SCSD#1 may agree to accept such proposed dedication, upon said owner's satisfaction of the following requirements:

- A. Warranty Deed and Survey: A warranty deed naming the Saratoga County Sewer District #1 as Grantee and a survey for all sanitary sewer facilities and the land upon which any pump station or other appurtenances are situated shall be provided by the owner to SCSD#1. Said Warranty Deed shall contain a conveyance of the owner's title to all real and personal property constituting the sewer system, and must be approved by the Saratoga County Attorney's Office as to form and content prior to its execution.

- B. As-Built Drawings: The owner shall provide to SCSD#1 as-built drawings detailing the location of all sewer lines, pump stations, and appurtenances constituting the sewer system to be dedicated.

- C. Easements, Licenses and Permits: The owner of the sanitary sewer facilities and of the land upon which any pump stations or other appurtenances are situated shall provide or assign to SCSD#1 any easements, licenses or permits, or assignments thereof, needed from the landowner(s) of the premises within which the sewer system is located, the local municipality or municipalities, the State of New York, any railroad corporation, landowner, or other involved agency, district, authority or governmental unit in order to maintain, repair, replace, reconstruct, inspect, use and operate the newly constructed sewer facilities and appurtenances, together with all rights of ingress and egress needed to effectuate the purposes of said easements, licenses and permits. All such easements, licenses, permits and assignments shall contain a conveyance of the owner's title to all pipes, equipment, and fixtures constituting the sewer system, and must be approved by the Saratoga County Attorney's Office as to form and

content prior to their execution.

- D. Title Insurance and Searches: The owner of the sanitary sewer facilities and the land upon which any pump stations or other appurtenances are situated shall provide to SCSD#1, at said owner's expense, a policy of title insurance for all facilities and property being dedicated to SCSD#1, together with appropriate searches, including UCC search, Judgment search, Lien search and Tax search. The Saratoga County Sewer District #1 shall be named as the insured on said title policy.
- E. Inventory: The owner of the sanitary sewer facilities shall provide to SCSD#1 an inventory of all pipes, conduits, pumps and other related equipment and fixtures constituting the sanitary sewer system.
- F. Warranties: The owner of the sanitary sewer facilities shall provide and/or transfer to SCSD#1 all unexpired warranties for the infrastructure, equipment, and fixtures constituting the sanitary sewer system. The owner shall provide his own warranty of good and merchantable title for the infrastructure, equipment and fixtures being dedicated.
- G. Operational Guides and Manuals: The owner of the sanitary sewer facilities shall provide to SCSD#1 any operational guides and manuals, either in the owner's possession or accessible to the owner, for all equipment and fixtures constituting the sanitary sewer system.
- H. Release of Liens: The owner shall satisfy all liens filed against the sanitary sewer facilities. The owner shall provide to SCSD#1 proof of the satisfaction of said liens, which proof shall be in the form of time stamped copies of any releases or satisfactions of liens required to be filed in the Saratoga County Clerk's Office in order to discharge all such liens on record in said Clerk's Office.
- I. Bond, Irrevocable Letter of Credit or Other Approved Security: The owner of the sanitary sewer facilities shall provide to SCSD#1 a bond, irrevocable letter of credit or other security acceptable to SCSD#1, to guarantee the payment by the owner of the cost of any necessary repairs to the sanitary sewer facilities for a period of one year from the date of the Saratoga County Sewer Commission's passage of a resolution accepting the dedication of said sewer facilities to SCSD#1. Such bond, irrevocable letter of credit or other security must satisfy the criteria set forth in Section 8.2 herein.
- J. Engineer's Report and Recommendations: The sanitary sewer system to be dedicated to SCSD#1 shall be professionally

inspected and tested, at the owner's expense, by a duly licensed engineer or firm of duly licensed engineers in the employ of, retained by, or approved by SCSD#1. Said engineer or engineering firm shall prepare a report to the owner and SCSD#1, at the owner's expense, detailing the engineer's or firm's findings and conclusions regarding such inspection and testing, and setting forth recommendations as to the advisability of SCSD#1 accepting ownership of the sewer system, and the need for any repairs or improvements to the sewer system prior to its dedication. The owner shall make any repairs or improvements recommended in said engineer's report that SCSD#1 requests be made prior to accepting the dedication. All such repairs and improvements shall be made at the owner's expense.

K. Resolution Authorizing Dedication to SCSD#1: The owner of the sanitary sewer facilities shall provide SCSD#1 with a copy of a resolution passed by the board of directors, or other governing body, of the transportation corporation, homeowners association, or other DEC approved entity owning the sewer facilities, authorizing the owner's dedication of the sanitary sewer system to SCSD#1.

L. Any Other Requirements Established By The Saratoga County Attorney: The owner of the sanitary sewer facilities shall satisfy any other requirements that the Saratoga County Attorney may determine are necessary and appropriate given the circumstances of the proposed dedication, including but not limited to: an order of a bankruptcy or other court of competent jurisdiction approving the dedication; a customer list; the owner's representation and warranty as to existing liens; satisfaction(s) of judgment(s); release(s) of lien(s); a tax letter and a certificate of good standing.

8.2 Bonds, Irrevocable Letters of Credit or Other Security:

A. Qualifications of Issuer:

(i) Bond: Any bond naming the Saratoga County Sewer District #1 as principal or obligee must be issued by a bonding or surety company authorized to do business in the State of New York.

(ii) Letter of Credit: An irrevocable letter of credit naming the Saratoga County Sewer District #1 as beneficiary must be issued by a bank located and authorized to do business in the State of New York.

(iii) Other Security: Any other security issued for the benefit of the Saratoga County Sewer District #1 must be issued or held by a bank, trust company, bonding company, or surety company located in and authorized to do business in the State of New York.

- B. Amount: Any bond naming the Saratoga County Sewer District #1 as principal or obligee, any irrevocable letter of credit naming the Saratoga County Sewer District #1 as beneficiary, or any other security approved by the Saratoga County Sewer District #1 to secure the payment of any necessary repairs or maintenance of the sanitary sewer facilities dedicated to SCSD#1 shall be in the amount of twenty percent (20%) of the actual construction costs of the sanitary sewer facilities for labor and materials.
- C. Term: Any bond, irrevocable letter of credit or other security provided to the Saratoga County Sewer District #1 pursuant to these provisions shall be for a term of one year from the date of the Saratoga County Sewer Commission's passage of a resolution accepting the dedication of sanitary sewer facilities. In the event no claims for performance are made by SCSD#1 upon the bond, irrevocable letter of credit, or other security provided within said one year period, the obligation of any bonding company, surety company, bank or trust company thereunder to SCSD#1 shall be null and void and of no further effect. In the event that one or more claims for performance are made by SCSD#1 upon the bond, irrevocable letter of credit or other security provided within said one year period, the obligation of any bonding company, surety company, bank or trust company thereunder to SCSD#1 shall remain in full force and effect until all such claims made within said one year period for the performance of maintenance and repairs have been resolved by the performance of the demanded repairs and maintenance to SCSD#1's satisfaction and acceptance thereof.
- (i) Additional Warranty: Prior to any person or commercial entity performing maintenance or repairs pursuant to any performance bond, irrevocable letter of credit or other security issued pursuant to Subsection 8.1 (I) of these Rules and Regulations, such person or commercial entity shall provide SCSD#1 with a written warranty guaranteeing all maintenance and repairs performed for a period of one year from the date of the acceptance of such repairs and maintenance by SCSD#1.
- D. County Attorney Approval: All bonds naming the Saratoga County Sewer District #1 as principal or obligee, all irrevocable letters of credit naming the Saratoga County Sewer District #1 as beneficiary, and any other security issued for the benefit of the Saratoga County Sewer District #1 must be approved by the Saratoga County Attorney as to form and content.

8.3 SCSD#1's Right To Reject the Proffered Dedication: SCSD#1 shall have the right to reject the proposed dedication to SCSD#1 of any

sanitary sewer system which fails to meet SCSD#1 construction standards or the standards of SCSD#1's Quality Assurance Program, or for which any easement, license or permit, or assignment thereof, needed to maintain, repair, replace, reconstruct, inspect, use and operate the sanitary sewer system has been rejected by the Saratoga County Attorney's Office as being unacceptable as to form or content.

8.4 Resolution of Saratoga County Sewer Commission Accepting Dedication Required: No proposed dedication of sanitary sewer facilities to SCSD#1 shall be accepted by SCSD#1 until the Board of Commissioners of Saratoga County Sewer District #1 has passed a resolution approving and authorizing SCSD#1 to accept the proposed dedication. The Board of Commissioners shall have the discretion to reject any proffered dedication of sanitary sewer facilities which otherwise satisfies the requirements of this Section 8, in light of any ownership, environmental, liability, financial or other relevant concerns regarding the proposed dedication or future operation of the proffered sewer system.

8.5 Sewer Systems Ineligible for Dedication: The following sanitary sewer systems are ineligible for dedication to SCSD#1:

- A. Sewer Systems Located Wholly Outside SCSD#1's Boundaries: SCSD#1 shall not accept any proffered dedication of sanitary sewer facilities located wholly outside the boundaries of SCSD#1, as said boundaries are established or modified by the Saratoga County Board of Supervisors pursuant to Article 5-A of the County Law of the State of New York. SCSD#1 may accept a proffered dedication of sanitary sewer facilities which extend in part beyond the boundaries of SCSD#1.
- B. Sewer Systems Discharging Into Sewer Systems Not Owned By SCSD#1: SCSD#1 shall not accept any proffered dedication of sanitary sewer facilities which discharge into a sewer system which is not owned by SCSD#1.

8.6 Dedication To Be At No Cost To SCSD#1: All dedications of sanitary sewer systems to SCSD#1 pursuant to this Section 8 shall be effected at no cost to SCSD#1.

8.7 Prohibition On Acceptance or Payment Of Debt: SCSD#1 shall be prohibited from accepting any proffered dedication of a sanitary sewer system encumbered by debt. SCSD#1 shall not pay, agree to pay or otherwise satisfy any debt encumbering a sanitary sewer system proposed to be dedicated to SCSD#1 pursuant to this Section 8.

PART III : GENERAL PROVISIONS

SECTION 9 : MISCELLANEOUS

9.1 Matters Not Covered: While these Rules and Regulations have attempted to be comprehensive in their scope and content, it is acknowledged that there may be matters, issues or situations that are not addressed herein. The Saratoga County Board of Supervisors hereby authorizes the Board of Commissioners of Saratoga County Sewer District #1 or its designee to resolve such unaddressed matters, issues or situations as the Board of Commissioners or its designee, in their proper exercise of discretion, shall deem appropriate.

9.2 Amendments: These Rules and Regulations may only be amended upon the recommendation of the Board of Commissioners of Saratoga County Sewer District #1, and by the adoption of such recommended amendments, in whole or in part, by the Saratoga County Board of Supervisors.

9.3 Notice of Amendments: SCSD#1 shall provide written notice of any amendments adopted by the Saratoga County Board of Supervisors to these Rules and Regulations, to all municipalities containing sewer facilities which discharge into SCSD#1's sanitary sewer system. Such written notice shall be forwarded by regular first class mail.

9.4 Severability: If any clause, provision, subsection or section of these Rules and Regulations shall be ruled invalid by a court of competent jurisdiction, the invalidity of such clause, provision, subsection or section shall not affect any of the remaining provisions hereof, and these Rules and Regulations shall be construed and enforced as if such invalid portion did not exist.