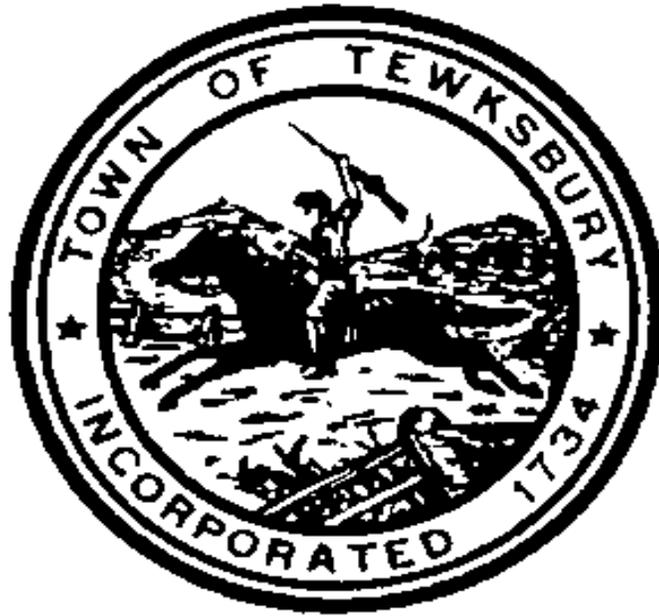


Rules and Regulations Governing the Use of Sewers



Town of Tewksbury, Massachusetts

Effective: March 1, 2013

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TOWN OF TEWKSBURY,
COMMONWEALTH OF MASSACHUSETTS

PURPOSE AND AUTHORITY

SEWER REGULATIONS CONTROLLING THE USE OF PUBLIC AND PRIVATE
SEWERS; THE INSTALLATION AND CONNECTION OF BUILDING SEWER
SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATION

Pursuant to the provisions of M.G.L., c. 83, § 10, and Section 12 of the Town of Tewksbury Charter, the Town of Tewksbury (the Town), acting through its Town Manager, establishes the following regulations governing the use of public and private sewers. The Town Manager shall be the only town official authorized to issue a variance of these regulations.

These regulations set forth uniform requirements for direct and indirect contributors into the publicly owned treatment works of the Town, and enable the Town to comply with all applicable requirements under Massachusetts and Federal law, including but not limited to, the Clean Water Act of 1977, the National Pollutant Discharge Elimination System Permit No. MA0100633 issued to the Lowell Regional Wastewater Utility and to which the Town acts as a co-permittee, by the Environmental Protection Agency and the Massachusetts Department of Environmental Protection, and M.G.L., c. 21.

These regulations shall apply to Persons inside or outside the Town who are by contract or agreement with the Town, users of the Publicly Owned Treatment Works.

The Department of Public Works, acting through the Superintendent of Public Works or designated Person acting on behalf of the Superintendent, is responsible for the implementation and administration of these regulations.

ARTICLE 1

DEFINITIONS

“Act or the Act” shall mean The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

“Alteration” shall mean any change or modification of an existing Publicly Owned Treatment Works that would change its physical make-up or location from that initially constructed or designed.

“Applicant” shall mean any Person requesting approval to discharge Sewage or Industrial Wastes into the Sewerage Works of the Town.

“Approval” shall mean written approval by the Superintendent.

“Approval Authority” shall mean The Administrator of the United States Environmental Protection Agency (US EPA) for Region 1.

“Authorized Representative or Signature Authority” shall mean

- 1) If the Industrial User is a corporation:
 - a) The president, secretary, treasurer, or a vice-president 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;
 - b) The manager of 1 or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure;
- 2) If the Industrial User is a partnership or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
- 3) If the Industrial User is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee;
- 4) The Industrial Users described above may also designate another authorized representative if 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 matter for the company and the written authorization is submitted to the Executive Director.

“Available” A Public Sewer shall be considered Available when the property upon which a building is situated abuts a street, alley, Easement, or right of way in which a Public Sewer is located.

“Best Management Practices” (BMP) shall mean practices such as preventive maintenance, scheduling of activities, or process alterations which enable the user to comply with the provisions of these Regulations or any applicable state and/or federal guidelines.

“Biochemical Oxygen Demand” (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure in 5 days at 20 degrees centigrade, expressed in milligrams per liter.

“Building Drain” shall mean the part of the lowest horizontal piping of a drainage system that conveys regulated Wastewater to the Building Service Lateral.

“Building Service Lateral” shall mean the extension from the Building Drain commencing at a point 10 feet outside the inner face of the building wall and extending to the wye section at the Public Sewer or other place of disposal.

“Categorical Pretreatment Standard” shall mean any regulation containing Pollutant limitations promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Act (33 USC 1317), which applies to a specific category of Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5, and those found in 40 CFR Chapter I Subchapter N, Parts 405-471.

“Certificate of Occupancy” shall mean the certificate issued by the Building Commissioner certifying that all work has been completed in accordance with the provisions of the appropriate permits (listed on the Certificate of Occupancy) and of applicable codes for which a permit is required.

“City” shall mean the City of Lowell, Massachusetts.

“Combined Sewer” shall mean a Public Sewer receiving both surface water and Sewage.

“Commonwealth” shall mean the Commonwealth of Massachusetts.

“Compatible Pollutants” Wastewater constituents for which the Publicly Owned Treatment Works was designed or is operated to adequately treat.

“Control Authority” until approval of the Pretreatment program by the EPA, the Control Authority will be the Executive Director of the Lowell Regional Wastewater Utility. Until the program is approved by the EPA, the Control Authority shall be synonymous with the Approval Authority.

“Cooling Water” shall mean the water discharge from any use such as air conditioning, cooling, refrigeration, or to which the only Pollutant added is heat.

“Department” shall mean the Department of Public Works of the Town.

“Daily average in milligrams per liter” shall mean the average concentration of Grab Samples collected over a Normal Operating Day.

“Daily maximum in milligrams per liter” shall mean the highest single value obtained for a particular parameter over a Normal Operating Day.

“Discharge Permits” shall mean either the previously negotiated agreements or a Wastewater discharge permit and shall include the criteria for discharge to the Publicly Owned Treatment Works.

“Domestic Wastewater” shall mean the Wastewater derived principally from residential dwellings, business buildings, institutions and the like.

“Drain Layer” shall mean a general term applied to a Person in the business of, and licensed by the Superintendent for laying drains from the existing Sewerage Works to the Building Drain of residential buildings, commercial buildings, industrial buildings, and similar structures and properties and within the Town’s Right-of-Way.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

“Equalization of Waste Flows” shall mean an averaging of variations in flow and composition of Sewage from particular sources by an equalizing basin or other means to provide a flow of reasonably uniform volume and composition prior to the discharge into a Public Sewer.

“Excessive” shall mean amounts or concentrations of a constituent or a Wastewater which in the judgment of the Executive Director (a) will cause damage to any Utility and/or the Town facility; (b) will be harmful to a Wastewater Treatment process; (c) cannot be removed in the Utility Treatment works to the degree required to meet the receiving water quality standards of the Merrimack River and/or EPA and state effluent standards; (d) can otherwise endanger life, limb, or public property; or (e) can constitute a nuisance.

“Executive Director” shall mean the Executive Director of the Lowell Regional Wastewater Utility of Lowell, Massachusetts, or his or her designee.

“Facilities” shall mean structure and conduits for the purposes of collecting, treating, neutralizing, stabilizing or disposal of Domestic Wastewater and/or industrial or other Wastewaters as are disposed of by means of such structures and conduits including Treatment and disposal works, necessary intercepting outfall, and outlet sewers, and

pumping stations integral to such facilities with sewers, equipment, furnishings, and other necessary appurtenances.

“Garbage” shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food, composed largely of putrescible organic matter and its normal moisture content.

“Grab Sample” A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

“Grease Trap” shall mean a watertight structure located on a Building Drain before a Building Service Lateral in which grease and oils are separated from other solid and liquid constituents of Sewage and accumulated in accordance with 310 CMR 15.230.

“Industrial Discharge Permit” shall mean the permit required to be obtained from the Town by Significant Industrial Users to discharge to the Utility's POTW, as set forth in article 3, section 3.01 of these Regulations.

“Industrial User” shall mean a source of discharge or the introduction of non-domestic pollutants from any source regulated under Section 307 (b) or (c) of the Act (33 USC 1317) into the POTW: (including holding tank waste discharged into the system).

“Industrial Wastewater” shall mean all water-carried wastes and Wastewater excluding Domestic Wastewater and unpolluted water. Includes all Wastewater from any producing, manufacturing, processing, testing, institutional, commercial, agricultural, or other operations where the Wastewater discharged includes non-domestic wastes.

“Interference” shall mean a discharge by an Industrial User which alone or in conjunction with discharges by other sources, inhibits or disrupts the Publicly Owned Treatment Works, its Treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the Publicly Owned Treatment Works National Pollutant Discharge Elimination System permit (including an increase in the magnitude or duration of the violation) or the prevention of Sewage sludge use or disposal by the Publicly Owned Treatment Works in accordance with the following statutory provisions and regulations or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection Research and Sanctuaries Act.

“Invert” shall mean the lowest portion of the internal cross-section of a pipe.

“Infiltration” shall mean groundwater entering the Publicly Owned Treatment Works from a water body through such means as, defective Building Drains and Sewers, pipe, pipe joints, connections or manhole walls.

“Inflow” shall mean the discharged water into the Publicly Owned Treatment Works from Building Service Laterals, including such sources as, but not limited to, roof drains, cellar drains, yard drains, area drains, foundation drains, sump pumps, Cooling Water, discharges, drains from springs and swamp areas, manhole covers, cross connections from Storm Sewers, catch basins, surface stormwater runoff, or street wash water.

“Local Limits” shall mean specific effluent Pollutant concentrations developed by the Publicly Owned Treatment Works for Industrial User(s) in order to prevent any Interference and/or Pass Through the Publicly Owned Treatment Works as mandated by Section 40 CFR, Section 403.5 (c).

“MassDEP” shall mean the Massachusetts Department of Environmental Protection.

“Milligram per Liter” shall mean the unit of the concentration of a water or Sewage constituent. It is 0.001 gram of the constituent in 1 liter of water.

“National Pollution Discharge Elimination System permit or NPDES permit” shall mean a permit issued pursuant to Section 402 of the Act (33 USC 1342).

“National Pretreatment Standard, Pretreatment Standard, or Standard” shall mean any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

“National Prohibitive Discharge Standard or Prohibitive Discharge Standard” shall mean any regulation developed under the Section 307 (b) of the Act and 40 CFR, Section 403.5. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5, and those found in 40 CFR Chapter I Subchapter N, Parts 405-471.

“New Source” shall mean, for Domestic Wastewater, a discharge to the Publicly Owned Treatment Works who commences discharge after the effective date of Regulations for wastes not regulated under Section 307 (b) or (c) of the Act (33 USC 1317). For Industrial Wastewater, a New Source shall mean any source, the construction of which is commenced after the publication of the proposed regulation prescribing a Section 307 (C) (33 U.S.C 1317) Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated.

“Noncontact Cooling Water” shall mean cooling water which does not come in contact with any raw material, intermediate product, waste product, or finished product.

“Normal Operating Day” shall mean 24 hour day in which the standard and routine operations and work of the facility is conducted. It would include, but is not limited to, daily cleaning, routine maintenance, and production. It would not include work stoppages, scheduled and unscheduled shutdowns, holiday schedules, major cleanups and the like.

“Notice of Appeal” shall mean a formal written notice filed with the Superintendent that a Person intends to appeal a judgment, order or other requirement established by these Regulations.

“Oil and Grease” shall mean any material (animal, vegetable, or hydrocarbon) which is extractable from an acrified sample of a waste by Freon or there designated solvent and as determined by the appropriate standard procedure.

“Outlet” shall mean any means or methods of conveyance into a Watercourse, pond, ditch, lake, or other body of surface or groundwater

“Owner” shall mean a Person who, alone or together with other Persons, has legal title to any facility or control of the facility, including but not limited to any agent, executor, administrator, trustee, lessee, or guardian of the estate for the holder of the legal title.

“Pass Through” shall mean the discharge of pollutants through the Publicly Owned Treatment Works into the waters of the United States in quantities or concentration, which alone or in conjunction with discharges from other sources is cause of a violation of any requirement of the Publicly Owned Treatment Works NPDES permit (including an increase in the magnitude or duration of a violation).

“Permittee” shall mean any Person issued a Sewer Permit under these Regulations.

“Person” shall mean any agency or political subdivision of the Commonwealth or of the federal government, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.

“pH” shall mean a measure of the alkalinity or acidity of a substance, expressed in standard units.

“Pollution” shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

“Pollutant” shall mean any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, Sewage sludge, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt, or industrial, municipal, or agricultural waste discharged into the water.

“POTW Treatment Plant” shall mean that portion of the Publicly Owned Treatment Works designed to provide Treatment to Wastewater.

“Pretreatment or Treatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu

of discharging or otherwise introducing such pollutants to the Publicly Owned Treatment Works. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes other than the above means, except as prohibited by 40 CFR Section 403.6(d).

“Pretreatment Requirements” shall mean any substantive or procedural requirements related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

”Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

“Publicly Owned Treatment Works or POTW” shall mean the City-owned Treatment works, as defined by Section 212 of the Act (33 USC 1292). This definition includes any sewers that convey Wastewater to the POTW Treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing Treatment. For the purpose of these Regulations, "POTW" shall include any sewers that convey Wastewater to the POTW from Persons outside the Utility who are, by agreement with the Utility, users of the Utility's POTW.

“Public Sewer” shall mean a sewer in which all Owners of abutting properties have equal rights of access, and is controlled by public authority.

“Receiving Waters” shall mean any Watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of treated Wastewaters.

“Regulations” shall mean these regulations governing the use of sewers.

“Replacement” shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances to the Sewerage Works which are necessary during the useful life of the Sewerage Works to maintain the capacity and performance for which such works were designed and constructed. The term operation and maintenance includes replacement.

“Right-of-Way” shall mean any public highway, or a private way that is laid out under authority of a statute, or a way dedicated to public use, or a way that is under the control of a body having similar powers.

“Sanitary Sewer” shall mean a Sewer which carries Sewage and to which storm, surface, and groundwater are not intentionally admitted.

“Septage” shall mean the wastes from holding tanks such as chemical toilets, campers, or trailers and wastes from septic tanks and cesspools.

“Sewage” or “Wastewater” shall mean a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

“Sewerage Works” shall mean all facilities for collection, pumping and transporting of Sewage, which may or may not be under the control of the Town and is connected to the POTW.

“Sewer” shall mean a pipe conduit for carrying Sewage.

“Sewer Connection” shall mean a Sewer pipeline running laterally from a street Sewer, an off-street Sewer or a Public Sewer or private Sewer to an individual tract, lot, or parcel of land to serve 1 or more houses or other buildings, depending on pipe size and arrangement, whether or not connected to any house or building. For the purposes of these Regulations the definition of Sewer Connection shall follow the definition established under 314 CMR 7.000, as amended.

“Sewer Main” shall mean any sewer main line or interceptor used as a conduit for sewage in the Sewerage Works which may or may not be under the control of the Town and is used to transport sewage for more than one residence, parcel or property.

“Sewer Permit” shall mean a permit given by the Town to connect to the POTW issued under these Regulations.

“Sewer Extension” shall mean the addition to a Sewerage Works of a Sewer pipe, together with appurtenant works, which when connected to the Sewerage Works becomes property of, and is operated and maintained by, the Person owning the Sewerage Works. For the purposes of these Regulations the definition of Sewer Extension shall follow the definition established under 314 CMR 7.000, as amended.

“Shall” is mandatory; “May” is permissive.

“Significant Industrial User or Significant User” shall mean

- 1) Except as provided in paragraph (2) of this section, the term Significant Industrial User means:
 - a) All Industrial Users subject to Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
 - b) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary non-contact cooling and boiler blow down Wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12 (a) on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW operation or for

violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8 (f)(6)).

- 2) Upon finding that an Industrial User meeting the criteria in paragraph (1) of this section has no reasonable potential for adversely affecting the POTW operation or for violating any Pretreatment Standard or requirement the Control Authority (as defined in 40 CFR 403.12 (a) may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW and in accordance with 40 CFR 403.8 (t)(6), determine that such Industrial User is not a Significant Industrial User.

“Slug” shall mean any discharge of water, Sewage, or Industrial Wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average daily concentration or flows during normal operation.

“Storm Drains” or “Storm Sewer” shall mean a pipe which carries storm and surface waters and drainage, but excludes Sewage and Industrial wastes, or other unpolluted Cooling Water.

“Storm Water” shall mean any flow occurring during, or following any form of, natural precipitation and resulting there from, including snow melt. This flow shall not include any Industrial or Domestic Wastewater.

“Superintendent” shall mean the Superintendent of the Town’s Department of Public Works or his or her designee.

“Suspended Solids” (SS) shall mean solids that either float on the surface of, or are in suspension in water, Sewage, Industrial Wastewater, or other liquids, and which are removable by laboratory filtration.

“Town” shall mean the Town of Tewksbury in the County of Middlesex, Commonwealth of Massachusetts.

“Town Manager” shall mean the Town Manager of the Town.

“Toxic Pollutant” shall mean one of the pollutants, or combination of those pollutants which are listed as toxic in regulations promulgated by the EPA under provisions of Section 307 of the Act.

“Toxic Substances” shall mean any substance or mixture, whether gaseous, liquid or solid, which when discharged into the POTW, may tend to interfere with any Wastewater Treatment process, constitute a hazard to human beings or animals, inhibit aquatic life, or create a hazard to recreation in the Receiving Waters of the effluent from the POTW.

“Upset” shall mean an incident in which there is unintentional and temporary non-compliance with Pretreatment Standards or the provisions of these Regulations because

of factors beyond the control of the Industrial User. An upset does not include non-compliance to the extent caused by operational error, improperly designed Treatment facilities, inadequate Treatment facilities, lack of preventive maintenance, or careless or improper operation.

“Utility” shall mean The Lowell Regional Wastewater Utility.

“Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

“Well” shall include a hole, shaft, pipe, excavation, casing, drill hole below grade dug or drilled into the ground in order to obtain water or other private source of water to be used for the purpose of supplying potable water.

“Wetland” shall be as defined by the Wetlands Protection Act, M.G.L., c.131, § 40 as amended.

Abbreviations:

| | | |
|----------------|---|-------------------------------------------------|
| °C | = | Degrees Celsius |
| °F | = | Degrees Fahrenheit |
| BOD | = | Biochemical Oxygen Demand |
| COD | = | Chemical Oxygen Demand |
| CFR | = | Code of Federal Regulations |
| CMR | = | Code of Massachusetts Regulations |
| EPA | = | Environmental Protection Agency |
| FOG | = | Fats, oil and grease |
| gpd | = | gallons per day |
| MGD | = | Million gallons per day |
| M.G.L . | = | Massachusetts General Laws |
| mg/l | = | milligrams per liter |
| NPDES | = | National Pollutant Discharge Elimination System |
| O&M | = | Operation and maintenance |
| POTW | = | Publicly Owned Treatment Works |
| RCRA | = | Resource Conservation and Recovery Act |
| SIC | = | Standard Industrial Classification |
| TTO | = | Total toxic organics |
| TSS | = | Total Suspended Solids |
| USC | = | United States Code |

ARTICLE 2

DOMESTIC USE SEWER REGULATIONS

Section 2.01. Superintendent Approval of Discharges

The discharge of any wastes, Sewage, or industrial wastes to a natural Outlet or to other outlets, as approved under these Regulations, without the proper Treatment and subject to Approval by the Superintendent, is unlawful.

Section 2.02. Unlawful Discharges

The deposit, discharge, or otherwise disposal of any wastes or Sewage in any manner other than approved by the Superintendent and in accordance with state or federal law is unlawful.

Section 2.03. Variations from Regulations

Any variation from these Regulations shall be approved by the Town Manager before implementation.

Section 2.04. Permits

2.04.01 There shall be 5 classes of Sewer Permits:

- 1) Building Sewer Connection Permits, for residential and commercial Sewer connections;
- 2) Sewer Main Permits, for installation of Sewer mains within the Town's Right-of-Way or on private property;
- 3) Sewer Modification Permits, for any alterations that are made to an existing Building Service Lateral connections;
- 4) Industrial Discharge Permits, required by Persons discharging industrial wastes, and requiring Pretreatment of such wastes, as defined by Article 3;
- 5) Special Discharge Authorizations, required by any Person who directly or indirectly is proposing to discharge Wastewater or remediated groundwater from a temporary construction site or any other New Source.

2.04.02 An application fee and a plumbing inspection fee equal to the cost of inspection, as determined by the Town, shall be paid to the Town at the time the application is filed. Said Sewer Permit shall be valid for no more than 60 calendar days from the date of issue. An extension of time may be granted by the Superintendent. The Superintendent

may impose additional conditions on a Permit, such as Sewer Extension agreements, as may be deemed necessary.

Section 2.05. Terms and Conditions of Special Discharge Authorizations

2.05.01 A Special Discharge Authorization issued under these Regulations may require that the Permittee:

- 1) Limit the rate, time, and characteristic of its discharge;
- 2) Implement measures to regulate and/or equalize flow;
- 3) Install inspection, flow measurement, and sampling devices and/or facilities, and provide access to such devices and/or facilities;
- 4) Implement a monitoring program that may include measuring flow, conducting sampling, conducting chemical and biological testing, recording data, and submitting periodic reports;
- 5) Implement Pretreatment measures according to a specified schedule and submit periodic progress reports on implementation of the measures;
- 6) Submit discharge monitoring reports;
- 7) Pay service charges or fees;
- 8) Example of where this type of Treatment has worked on previous similar applications;
- 9) A secondary back-up plan;
- 10) Acceptance from the Utility to treat the wastes;
- 11) Provide that its Wastewater Pretreatment facilities be operated by a Person licensed according to state law, including the "Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities," 257 CMR 2.00;
- 12) Prohibit the discharge of contaminated groundwater;
- 13) Immediately cease discharging if the discharge, alone or with other discharges, has an actual or potential adverse impact on the Sewerage Works, the operation of a combined Sewer overflow, or the Town's ability to comply with a law, regulation, permit, or order under which it operates; or
- 14) Take any other action deemed necessary or appropriate by the Town to ensure compliance with these Regulations and/or with federal, state or local law.

Section 2.06. Compliance with MassDEP's Sewer System Extension and Connection Permit Program

2.06.01 As of January 12, 2007 MassDEP amended its regulations governing sewers to streamline state approval requirements for Sanitary Sewer connections and extensions, and Industrial Wastewater Sewer connections. These changes are as follows:

- 1) Sanitary Sewer Connections. New connections to Sanitary Sewers, increases in flow to existing Sanitary Sewers and discharges from businesses that are not considered to be "Industrial Wastewater" (i.e. the business is not one of the types listed in 314 CMR 7.17(2)(c) are subject to state requirements based on their expected discharge volume:
 - a) Discharges \leq 15,000 gpd will need only local approvals (no approvals by MassDEP);
 - b) Discharges $>$ 15,000 gpd but \leq 50,000 gpd must file a one-time certification statement with MassDEP within 60 days after the connection starts to be used; and/or
 - c) Discharges of $>$ 50,000 gpd must obtain a MassDEP permit before construction.
- 2) Sanitary Sewer Extensions. Sewer extensions are subject to state requirements based on their length:
 - a) Sewer extensions that are $<$ 1,000 feet in length must file a one-time certification with MassDEP within 60 days after the extension starts to be used;
 - b) Sewer extensions of \geq 1,000 feet must obtain a MassDEP permit before construction; and/or
 - c) Sewer extension projects that obtain a Project Approval Certificate from MassDEP's Clean Water State Revolving Fund Program are exempt from permitting requirements, due to MassDEP's detailed review before the certificate is issued.

2.06.02 No local Sewer Permits shall be issued until the Person has filed all proper documentation with MassDEP in compliance with 314 CMR 7.00, as amended, and all other applicable laws.

Section 2.07. Revocation of Permits

2.07.01 The Superintendent may revoke for cause any permit which has been issued under these Regulations. If, on the basis of information available the Superintendent believes there is cause for revocation of a permit, the Superintendent shall notify the Permittee in writing, setting forth the cause and the right to appeal the decision by the

Permittee, provided that said request is received by the Superintendent within 7 days of the date the decision was served. In determining whether a cause exists for revocation, the Superintendent will consider whether a continuation of the permitted activities by the Permittee may affect the public health and safety. The Superintendent will consider all relevant facts, including but not limited to:

- 1) Violation of any section or requirement of these Regulations;
- 2) Errors or omissions on plans and/or specifications, calculations, or other information provided to the Town;
- 3) Discovery that conditions in the field are at variance with conditions represented in the plans and/or specifications; and/or,
- 4) Other actions or omissions which result in a substantial adverse effect on public health and safety.

2.07.02 The Superintendent shall render his or her decision in writing within 30 days of the receipt of the Notice of Appeal and shall state the grounds for the decision. A copy of the decision shall be mailed to the Permittee.

Section 2.08. Connection to Public Sewers Required

The Owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, Easement, or Right-of-Way in which there is located an Available Public Sewer of the Town, may be ordered by the Town's Board of Health, pursuant to 310 CMR 15.000, to connect such sanitary facilities as they exist or may exist directly with the proper Public Sewer in accordance with these Regulations, if necessary. Additionally, Persons with failed cesspools or septic systems shall be required to connect to the Public Sewer. Any Person failing to connect to the Public Sewer, shall be subject to a fine as provided by M.G.L., c. 83, § 10.

Section 2.09. Prohibition

No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a fully executed written Sewer Permit from the Superintendent. Any Persons proposing a discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least 45 days prior to the proposed change or connection in order to obtain Approval. No Person shall break, cut, or remove any pipe of the Sewerage Works, or make or cause to be made any connection to said Sewer except through the connections branches provided for that purpose or by a method approved by the Superintendent where no connection branch exists. No Septage shall be allowed to be directly or indirectly discharged into the Sewerage Works.

Section 2.10. Termination of Service

Every Person seeking to obtain a permit for demolition of the building from the Building Department shall submit a completed Sewer Modification Permit to the Superintendent. Prior to demolition of any building, the Drain Layer shall cut and cap all Building Service Laterals at the connection to the Public Sewer and have the Superintendent inspect all Building Service Laterals to ensure that they are properly cut and capped prior to backfilling.

Section 2.11. Fees

A schedule of non-refundable application and permit fees shall be established by the Town Manager for each category of license and permit. This fee schedule shall be reviewed by the Superintendent annually, and as necessary, from time to time. Application fees shall be paid at the time of submission of the application and permit fees shall be paid prior to the issuance of a permit.

Section 2.12. Maintenance

2.12.01 Every Owner of premises in which there are any private Sewerage Works, Building Service Laterals, or other means of Sewage disposal shall keep the sewers and disposal systems in proper operational conditions and shall have such works cleaned or repaired at such time as ordered by the Superintendent as needed.

2.12.02 If the Owner of the premises fails to comply with such order, the Superintendent may cause the works to be cleaned or repaired and all expenses incurred to be paid by the Owner.

2.12.03 The Superintendent may restrict or prohibit the use and occupancy of the premises until compliance with the order has been obtained.

2.12.04 Private Sewerage Works shall be maintained in a manner that will not create objectionable conditions causing the works to become a source of Pollution to any waters of the Commonwealth, or cause an adverse effect on the Public Sewer.

Section 2.13. Installation Cost Borne by Owner

All costs and expenses incidental to the installation, inspection by the Superintendent, and connection of the Building Service Lateral to the Public Sewer shall be borne by the Owner. The Owner shall indemnify, hold harmless and defend the Town from any loss or damage that may directly or indirectly be occasioned by the installation and connection of the Building Service Lateral.

Section 2.14. Separate Building Service Laterals Required

2.14.01 A separate and independent Building Service Lateral shall be provided for every building.

2.14.02 Where one building stands at the rear of another on an interior lot and no private Building Service Lateral is Available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the Owner of the building shall first obtain a duly and fully executed utility Easement with the adjoining property, prior to the issuance of a Sewer Permit.

Section 2.15. Existing Building Service Laterals

Existing Building Service Laterals may be used in connection with new buildings only when they are found upon examination and testing by the Superintendent to meet all requirements of these Regulations. If any building is razed, the Owner, at Owner's expense, must disconnect the Building Service Lateral from the Public Sewer and all work must be done in accordance with these Regulations. Prior to demolition of any Building Service Lateral, the Owner's Drain Layer shall cut and cap all Building Service Laterals at the connection to the Public Sewer, and have the Superintendent inspect all Building Service Laterals to ensure that they are properly cut and capped prior to backfilling.

Section 2.16. Connection to the Building Drain

2.16.01 Whenever possible the Building Service Lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which a Building Drain is too low to permit gravity flow to the Public Sewer, Sewage carried by such Building Drain shall be lifted by means approved by the Superintendent and discharged to the Building Service Lateral. Such lifting devices shall be installed and maintained by the Owner without liability or costs to the Town.

2.16.02 All construction for new buildings which commence after the effective date of these Regulations shall have the Building Drain exit the building through the basement floor and connect with the Building Service Lateral at an elevation below the basement floor whenever gravity flow to the Public Sewer is possible.

Section 2.17. Gas or Oil Separators

2.17.01 Garages, and places where petroleum-based products are used or stored, where wastes containing petroleum-based grease are produced or stored, or where oily and/or flammable wastes, sand, or other harmful materials are produced or stored shall have a gas or oil separators installed to intercept such substances prior to their discharge to the POTW.

2.17.02 The size, capacity, type, and location of each gas or oil separator shall be subject to approval by the Plumbing Inspector.

2.17.03 Gas or oil separators shall be located to allow ready and easy access for purposes of removing the cover, and for service, maintenance, and inspection.

2.17.04 Gas or oil separators shall be properly serviced and maintained. The schedule for service and maintenance of a gas or oil separator shall be subject to Approval by the Superintendent. The operator of the premises where the gas or oil separator is located shall maintain a log describing the date and type of all service and maintenance performed in connection with the gas or oil separator, the identity of the Person who performed the service and/or maintenance, the amount of residue removed from the gas or oil separator on each date, and the method of disposal of the residue. The log entries shall be maintained for 6 years and shall be made available for inspection and copying by the Town. In addition to complying with 360 CMR 10.000, gas or oil separators shall conform to the regulations of the Board of State Examiners of Plumbers and Gas Fitters, 248 CMR 10.00 and all other applicable laws.

2.17.05 Both the Owner of the premises where a gas or oil separator is required and the Owner and/or operator of the establishment or business conducted on the premises shall be jointly and severally responsible for installing a gas or oil separator acceptable to the Superintendent and for properly servicing and maintaining the gas or oil separator.

Section 2.18. Grease Traps and Grease Interceptors

2.18.01 A Person who is required by state law or regulation to have a Grease Trap or grease interceptor (included by 310 CMR 15.230 and 248 CMR 2.09) shall have Grease Traps and grease interceptors of the appropriate size, type, construction, and location as required by state law or regulation. Such Person shall assure that its Grease Traps and grease interceptors are appropriately cleaned and maintained so that they operate efficiently and effectively. In addition the design, installation and maintenance of Grease Traps shall be in accordance with the Grease Trap Requirements for Food Establishments and Laundromats, as amended, established by the Town's Board of Health.

2.18.02 Chemical, biological, or physical means shall not be used to release fats, wax, oil, or grease into the Sewer, bypass the trap or interceptor, or otherwise make the trap or interceptor operate less effectively. A chemical or biological agent, that the Superintendent has approved in writing for use in a Grease Trap or interceptor, may be added to a trap or interceptor to convert the fats, wax, oil, and grease in a trap or interceptor to a substance not regulated by these Regulations if the resulting discharge from the trap or interceptor will not cause or contribute to an obstruction or blockage in the Sewer or otherwise violate these Regulations. Unless so converted, the fats, wax, oil, and grease contents of a Grease Trap or interceptor shall not be discharged to the Sewerage Works.

Section 2.19. Interference with Sewerage Works

Facilities which are found to have effluent composed in part of solid or viscous substances, as outlined in section 2.33, in quantities or of such size capable of causing obstruction to the flow in Sewers, or other interference with the proper operation of the Sewerage Works, shall have additional conditions, as required by the Superintendent, placed on the Building Service Lateral. Such conditions are, but are not limited to installation of grinding devices, filters and/or limitation or complete removal of the solid or viscous substances causing the obstruction or other interference. Where specific devices and/or mechanisms are required, such devices shall be specified at the option of the Superintendent.

Section 2.20. Monitoring Devices

When required by the Superintendent, any Person who directly or indirectly discharges Wastewater to the Sewerage Works shall install at Person's expense suitable control or measuring devices and such manholes, chambers, meters (e.g., flow, pH), and other appurtenances, necessary for the observation, sampling and measurement of waste, pollutants, and/or water being discharged. Such control or measuring devices and manholes, chambers, or meters and other appurtenances shall be installed at a safe location acceptable to the Superintendent, shall be accessible to the Town's staff and monitoring equipment, and where required by the Superintendent, shall be compatible with the Town's monitoring equipment. The control or measuring devices and related appurtenances shall be designed and constructed according to applicable engineering standards and shall be properly maintained and calibrated so as to ensure accurate measurement.

Section 2.21. Requirements for Tanks and Pump Chambers

All tanks, including septic tanks, pump chambers and grease traps, shall be either watertight through manufacturer's specification and warranty; or made watertight by the manufacturer, equipment supplier or installer using asphalt or synthetic polymer sealer specified by the concrete or synthetic material manufacturer.

Section 2.22. Prohibited Connections

2.22.01 No Person shall make any connection of roof downspouts, exterior and interior foundation drains, areaway drains, or other sources of surface runoff to a Building Service Lateral which in turn is connected directly or indirectly to the Public Sewer.

2.22.02 Building Service Lateral, Sewer Extensions, and Sewer mains shall be constructed and installed by licensed Drain Layers only, unless approved in writing by the Superintendent.

2.22.03 The plumbing of any premises discharging directly or indirectly to the Public Sewer shall be arranged so as to keep any groundwater, Storm Water, surface water, roof

and surface runoff, uncontaminated Cooling Water, Noncontact Cooling Water, and non-contact industrial process waters separate from the Sewage of the premises. Groundwater, Storm Water, surface water, roof and surface runoff, uncontaminated Cooling Water, Non-contact Cooling Water, non-contact industrial process waters, and waters from any lake, swamp, pond, or swimming pool shall not be discharged to a Sanitary Sewer.

Section 2.23. Protection of Public and Property

All excavations for Building Service Lateral installations shall be adequately guarded, as determined by M.G.L. c.82A, 520 CMR 14.000, federal, state and local regulations, with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

Section 2.24. Proper Venting Required

No building shall be connected to the Public Sewer system unless said building has a vent pipe extending to a point above the roof, properly vented in accordance with the Uniform State Plumbing Code, 248 CMR 10.00.

Section 2.25. Reporting of Prohibited Substances Found in Building Service Lateral

All Drain Layers are required to give a full written report to the Superintendent within 24-hours in the event that prohibited substances are found in a Building Service Lateral during the course of work.

Section 2.26. Uncontaminated Waters Excluded from Sanitary Sewer

No Person shall discharge or cause to be discharged any Storm Water, surface water, groundwater, roof runoff, french drain, sump pump water from basement or uncontaminated water to any Sanitary Sewer without the Approval of the Superintendent.

Section 2.27. Inflow and Infiltration

Each new Sanitary Sewer Replacement or extension that discharges directly or indirectly to the Sewerage Works, shall be designed and constructed so as to eliminate all Inflow and Infiltration into the Sewerage Works. The Owner of any Sewerage Works and/or Building Service Lateral which discharges directly or indirectly to the Public Sewer shall operate and maintain the system so as to eliminate any and all Inflow and Infiltration into the Public Sewer. The Superintendent shall impose conditions on a Sewer Permit that requires the Permittee to remove or ensure the removal of Inflow and Infiltration from the Sewerage Works.

Section 2.28. New Inflow Sources Prohibited

No connections shall be made to a Sanitary Sewer which connections are intended to discharge Inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, uncontaminated Cooling Water discharges, or other sources of Inflow.

Section 2.29. Existing Inflow Sources Disconnected

For Building Service Laterals with existing Inflow sources that discharge directly or indirectly to the Sewerage Works and which contribute Inflow to the Sanitary Sewers must be disconnected in a manner approved by the Superintendent.

Section 2.30. No Re-connection of Inflow Sources Allowed

It shall be a willful violation of these Regulations for any Person to reconnect any Inflow source which has been disconnected pursuant to these Regulations.

Section 2.31. Additional Inflow and Infiltration Restrictions

If, in the sole opinion of the Superintendent, the combined Inflow and Infiltration, as a percentage of the average monthly Wastewater flow, as determined by a licensed Professional Engineer in the Commonwealth, is determined to be originating from a private Sewer connection that discharges directly or indirectly to the Sewerage Works, the Owner shall be required to submit a program, plan and schedule to reduce or remove all Inflow and Infiltration from said connection. The plan shall provide for identification and elimination of all sources of groundwater and Storm Water Infiltration as well as other sources, address Inflow and Infiltration as a result of, among other things, defects in pipes, manholes and unauthorized drain connections, and establish a program to eliminate unauthorized connections to the Sewerage Works of Storm Water, surface water, groundwater, roof runoff and subsurface drainage. Documentation of the volume, location and work completed relative to Inflow and Infiltration shall be provided to the Superintendent after work has been completed.

Section 2.32. Discharge Method Specified

Stormwater and all other unpolluted drainage shall be discharged to such Public Sewer as are specifically designated as Storm Sewers, or to a Natural Outlet approved by the Superintendent and any other federal, state or local agencies having jurisdiction. Industrial Cooling Water or unpolluted process waters may be discharged to a Storm Sewer or Natural Outlet.

Section 2.33. Prohibited Discharges

2.33.01 Discharges Prohibited by Federal Regulations. A Person may not introduce into a POTW any Pollutant(s) which may cause Pass Through or Interference. The general prohibitions and the specific prohibitions below apply to each Person introducing pollutants into a POTW whether or not the Person is subject to National Pretreatment

Standards or any national, state, or local Pretreatment Requirements. No Person shall discharge or cause to be discharged the following described substances, materials, waters or wastes which can harm the POTW, have an adverse effect on the receiving stream or can otherwise endanger life, limb, and public property or be considered a nuisance. The substances prohibited are, but not limited to:

- 1) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other Interference with the proper operation of the Sewerage Works such as, but not limited to, ashes, cinders, sand, mud, straw, unground Garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper dishes, cups, milk containers, sanitary napkins, diapers, wipes, plastic or the like, either whole or ground by Garbage grinders;
- 2) Heat in the amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such amounts that the temperature at the POTW Treatment plant exceeds 40 °C (104 °F);
- 3) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the Sewerage Works is specifically designed to accommodate such discharges;
- 4) Petroleum oil, non-biodegradable cutting oil, or products of mineral oils in amounts which would cause Interference or Pass Through;
- 5) Any Pollutant that results in the presence of toxic gases, vapors or fumes within the POTW in any quantity that may result in worker health and safety problems;
- 6) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to, waste streams with a closed cup flashpoint of less than 60°C (140°F) or test methods specified in 40 CFR 261.21;
- 7) Any Pollutant, including oxygen demanding pollutants (BOD, or the like) released in a discharge at a flow rate and/or Pollutant concentration which will cause Interference with the POTW;
- 8) Any trucked or hauled pollutants, except at discharge points designated by the Utility; and
- 9) Wastes prohibited in this section shall not be stored in such a manner that they could possibly be discharged to the POTW. All floor drains in the process areas or storage areas must be piped through the Pretreatment system prior to discharge to the POTW.

2.33.02 Discharge Prohibited on Opinion of the Executive Director of the Utility. The following discharges are prohibited from entering the waste stream without the explicit, written approval of the Executive Director. In forming the opinion as to the acceptability of these wastes, the Executive Director will give consideration to such factors as the

quantities of the subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the Sewage Treatment process, capacity of the Sewage Treatment plant, degree of treatability of wastes in the Sewage Treatment plant and other pertinent factors. The substances prohibited are, but not limited to:

- 1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- 2) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or in combination with other substances to cause fire or explosion, or be injurious in any other way to the POTW or its operation. At no time shall two consecutive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5 percent, nor any single reading be more than 10 percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to: fuel oil, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, sulfides and any other substance which is a fire hazard or a hazard to the system;
- 3) Any waters or wastes having a pH lower than 6 or higher than 9.5;
- 4) Any substance which may cause the POTW effluent or any other product of the POTW such as residues, sludges and scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall any substance discharges to the POTW cause the POTW to violate its own NPDES and/or state disposal system permit or the receiving water quality standards;
- 5) It shall be unlawful for any Person to discharge into the POTW or cause to be discharged into the POTW, the sludge resulting from the Pretreatment of water or Wastewaters;
- 6) Except where expressly authorized to do so by an applicable federal Pretreatment Standard, no Owner, whether subjugated to categorical requirements or not, shall ever increase the use of process water or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate Treatment to achieve compliance with a categorical standard. The Control Authority may impose mass limitations on the Owner where the imposition of mass limitations is appropriate;
- 7) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 0 to 65°C (32 to 150°F);
- 8) Any Garbage that has not been properly shredded. The installation and operation of any Garbage grinder equipped with a motor of .76 horsepower metric (3/4 horsepower) or greater shall be subject to the review and approval of the Executive Director;

- 9) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- 10) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite Sewage Treatment works exceeds the limits established by the Executive Director of the Utility for such materials;
- 11) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Executive Director, as necessary after Treatment of the composite Sewage to meet the requirements of state, federal or the public agencies having jurisdiction over discharge to the Receiving Waters;
- 12) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Executive Director in compliance with applicable state or federal regulations;
- 13) Materials which exert or cause;
 - a) Unusual concentrations of inert Suspended Solids, such as, but not limited to, fuller's earth, lime slurries, and limit residues; or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;
 - b) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions; or
 - c) Unusual volume of low or concentration of wastes containing Slugs.
- 14) Waters or wastes containing substances which are not amendable to treatment or reduction by the Sewage Treatment process employed, or are amendable to treatment only to such degree that the POTW effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the Receiving Waters;
- 15) Any sludges, screenings or residues from the Pretreatment of industrial wastes; and
- 16) Any Wastewater causing the POTW's effluent to fail a toxicity test.

Section 2.34. Decisions of the Superintendent

2.34.01 If any waters or wastes are discharged, or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in section 2.33, and which in the judgment of the Superintendent may have a deleterious effect upon the Sewerage Works, processes, equipment or Receiving Waters,

or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may act in any or all of the following ways;

- 1) Reject the wastes;
- 2) Require Pretreatment to an acceptable condition for discharge to the Public Sewers;
- 3) Require control(s) over the quantities and rates of discharge; and/or
- 4) Require payment to cover the added cost of providing transportation and Treatment of the wastes not covered by existing fees, taxes, or Sewer charges.

2.34.02 If the Superintendent permits the Pretreatment or Equalization of Waste Flows, the design and installation of the plants and equipment shall be subject to the review and Approval of the Superintendent, and subject to the requirements of all applicable codes, by-laws and laws. Said design shall be prepared by a licensed Professional Engineer registered in the Commonwealth and approved by the Utility.

Section 2.35. Maintenance of Pretreatment Facilities

When Pretreatment or flow-equalizing Facilities are provided for any waters or wastes, they shall be continuously in satisfactory and effective operation by the Owner at Owner's expense. Owners of such Facilities shall provide periodic reports to the Superintendent as required. The Owner shall employ personnel certified with the Commonwealth to maintain and operate Pretreatment facilities. In addition to the conditions set forth on section 2.34, the Owner shall comply with the provisions of article 3 of these Regulations as they pertain to Pretreatment.

Section 2.36. Control Manholes and/or Structures

When required by the Superintendent, the Owner of any property serviced by a Building Service Lateral carrying industrial wastes, shall install a suitable control manhole and/or structure, together with such necessary meters and other appurtenances, in the Building Service Lateral or control manhole to facilitate observation, sampling and measurement of the wastes. Such manhole and/or structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent and shall meet Town standards. The manhole and/or structure shall be installed by the Owner at Owner's expense, and shall be maintained by the Owner so as to be safe and accessible at all times.

Section 2.37. Wastewater Sampling

2.37.01 All measurements, tests, and analyses of the characteristics of waters and Wastewaters to which reference is made in these Regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be

determined at the control manhole and/or structure provided, or upon suitable samples taken at said control manhole and/or structure.

2.37.02 In the event that no control manhole and/or structure has been provided, the control manhole and/or structures shall be determined by the Superintendent. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewerage Works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24 hour composite sample of the Building Service Lateral is appropriate or whether a Grab Sample or samples should be taken. Normally, but not always, BOD and SS are obtained from 24 hour composites samples of all Building Service Lateral whereas pHs are determined from periodic Grab Samples.

Section 2.38. Monitoring of Wastes

All Persons discharging into a Public Sewer shall perform such monitoring of their discharges as the Superintendent may require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the Receiving Waters.

Section 2.39. Notice of Accidental Discharge Required

Any Person responsible for, or becoming aware of, the discharge to Public Sewer, accident or otherwise, of any prohibited substances shall immediately notify the in writing so that necessary precautions can be taken to minimize the deleterious effects of the discharge. Said Person shall file a written explanation within 24 hours, to the Superintendent detailing the cause of the accidental discharge as well as what measures will be taken to prevent future accidental discharges of this type.

Section 2.40. Control of Sewerage Works

The Superintendent, is the sole and exclusive governing body for the planning, construction, operation, and maintenance of Sewerage Works in the Town.

Section 2.41. Compliance with the Town's Sewer Construction Standards

All Persons proposing to construct Sewerage Works shall comply with the provisions and requirements of the Town's Sewer Construction Standards, as amended. Any Person planning to deviate from the requirements listed on said Sewer Construction Standards, shall state in writing the purpose and nature of the deviation complete with the necessary documentation describing the proposed alternative. Such alternative shall be subject to the review and Approval of the Town Engineer and the Superintendent.

Section 2.42. Bonding Requirements for Sewerage Works Projects

All Persons desiring to do work within the Town shall first give bond to the Town with one or more sureties, satisfactory to the Town, in the amounts and in the classifications as determined by the Town, conditioned that they will in good faith perform all things required of them under the provisions of these Regulations, and conditioned further that they will pay all damages and indemnify, save the Town harmless and defend on account of negligence, performance, payment, warranty issues or failure to comply with the various regulations, codes and by-laws then in effect in the Town. Such bond shall be filed with the Superintendent and shall be renewable annually.

ARTICLE 3

INDUSTRIAL PRETREATMENT, USERS & WASTES

Section 3.01. Industrial Discharge Permit

3.01.01 All Industrial Users proposing to connect to or contribute to the POTW shall obtain an Industrial Discharge Permit before connecting to or contributing to the POTW. All existing Significant Users connected to or contributing to the POTW shall obtain an Industrial Discharge Permit within 180 days after the effective date of these Regulations.

3.01.02 Any violations of the terms and conditions of the Industrial Discharge Permit shall be deemed in violation of these Regulations and subjects the Industrial User to the sanctions provided in Article 8. Obtaining a discharge permit does not in any way relieve the Industrial User of its obligation to comply with any and all federal, state and local laws.

Section 3.02. Permit Application – Issuance

3.02.01 Persons required to obtain an Industrial Discharge Permit shall complete and file with the Executive Director an application in the form prescribed by the Utility.

3.02.02 Existing Industrial Users shall apply for an Industrial Discharge Permit within 60 days after the effective date of these Regulations, and proposed new Industrial Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the Industrial Users shall submit, in units and terms appropriate for evaluation, the following information;

- 1) Name, address, and location (if different from address);
- 2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972;
- 3) Wastewater constituents and characteristics including but not limited to those mentioned in Article 2 of these Regulations as determined by an approved analytical laboratory:
 - a) All analyses shall be performed in accordance with Section 304 (g) of the Act and contained in 40 CFR 136;
 - b) The Industrial User shall submit the results of the sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of the regulated pollutants in the discharge from the regulated process. Both the daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;

- c) The Industrial User shall take a minimum of one representative sample by reports, studies or analysis to compile the data necessary to comply with the requirements of these Regulations;
 - d) Samples should be taken immediately downstream of the Pretreatment Facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other waste streams are mixed with the regulated Wastewater prior to Pretreatment the Industrial User should measure flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternative concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - e) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136;
 - f) Where 40 CFR 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the Approval Authority determines that the part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using a validated analytical method or any other applicable sampling and analytical procedure, including procedures suggested by the POTW or other parties, approved by the Utility and/or the Town;
 - g) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures; and
 - h) The baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to the POTW.
- 4) Time and duration of contribution;
 - 5) Average daily and 3 minute peak Wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - 6) Site plans, floor plans, mechanical and plumbing plans and details to show all Sewers, Sewer Connections, and appurtenances by the size, locations and elevations;
 - 7) Descriptions of activities, Facilities and plant processes on the premises including all materials which are or could be discharged;

- 8) Compliance schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
 - a) Where the Industrial User's Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7), the combined waste stream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) at the time the Industrial User submits the report required by section 3.08, the information required by section 3.09 shall pertain to the modified limits.
 - b) If the Categorical Pretreatment Standard is modified by a removal allowance (40 CFR 403.7), the combined waste stream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) after the Industrial User submits the report required by section 3.08, any necessary amendments to the information requested by section 3.09 shall be submitted by the Industrial User to the Control Authority within 60 days after the modified limit is approved.
- 9) Each product produced by type, amount, process or processes and rate of production;
- 10) Type and amount of raw materials processes (average and maximum per day);
- 11) Number and type of employees and hours of operation of plant and proposed or actual hours of operation and Pretreatment systems;
- 12) The Pretreatment Standards applicable to each regulated process;
- 13) Certification. A statement, reviewed by an authorized representative of the Industrial User (as defined in Article 1) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
- 14) Permits. The Industrial User shall submit a list of any environmental control permits held by or for the facility; and
- 15) Any other information as may be deemed by the Executive Director to be necessary to evaluate the permit application.

3.02.03 The Utility will evaluate the data furnished by the Industrial User and may require additional information. The Utility reserves the right to deny or condition new or increased contributions of pollutants, or changes in nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards or Requirements or where such contributions would cause the POTW to violate its NPDES Permit. After evaluation and acceptance of the data furnished, the Utility and/or

the Town may issue an Industrial Discharge Permit subject to terms and conditions provided herein.

Section 3.03. Permit Conditions

3.03.01 Industrial Discharge Permits shall be expressly subject to all provisions of these Regulations and all other applicable regulations, user charges and fees established by the Town. Permit may contain the following:

- 1) The unit charge or schedule of user charges and fees for the Wastewater to be discharged to the POTW;
- 2) Limits on the average and maximum Wastewater constituents and characteristics;
- 3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- 4) Requirements for installation and maintenance of inspection and sampling Facilities;
- 5) Specifications for monitoring program which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- 6) Compliance schedules;
- 7) Requirements for submission of compliance schedule or periodic compliance reports;
- 8) Requirements for maintaining and retaining facility records relating to Wastewater discharge as specified by the Superintendent, and affording Utility and the Town access thereto;
- 9) Requirements of notification to the Utility and the Town of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the POTW;
- 10) Requirements for notification of Slug discharges;
- 11) Pursuant to 40 CFR 403.12(p), all Industrial Users must notify in writing the Utility and the Town, Commonwealth, and EPA of any discharge to the POTW which would be considered a hazardous waste, if disposed of in a different manner; and
- 12) Other conditions as deemed appropriate by the Superintendent to ensure compliance with these Regulations.

Section 3.04. Permit Modifications

3.04.01 The Executive Director may modify the Industrial Discharge Permit for good cause, including but not limited to, the following:

- 1) Within, but not to exceed, 90 days or designated time frame of the promulgation of a National Pretreatment Standard, the Industrial Discharge Permit of Industrial Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where an Industrial User, subject to a national Pretreatment Standard, has not previously submitted an application for an Industrial Discharge Permit as required by section 3.01, the Industrial User shall apply for an Industrial Discharge Permit within 180 days or designated time frame after promulgation of the applicable National Pretreatment Standard;
- 2) In addition, the Industrial User with an existing Industrial Discharge Permit shall submit to the Executive Director within 180 days or designated time frame after the promulgation of an applicable Federal Pretreatment Standard the information required by section 3.02;
- 3) To incorporate any new or revised federal, state or local Pretreatment Standards or requirements;
- 4) To address any significant alterations or additions to the Industrial User's operation, process or Wastewater volume or character, since the time of the Industrial Discharge Permit's issuance;
- 5) A change in the POTW which requires a temporary or permanent reduction or elimination of an authorized discharge;
- 6) The misrepresentation or failure to fully disclose all relevant facts in the application or any other required reporting;
- 7) To correct typographical or other errors; and
- 8) Any other changes deemed necessary by the Executive Director.

Section 3.05. Permit Duration

Permits shall be issued for a specified time period, not to exceed 5 years. A permit may be issued for a period less than 1 year or may be stated to expire on a specific date. The Industrial User shall apply for permit reissuance within of 180 days or designated time frame prior to expiration of the Industrial User's existing permit. The terms and conditions of the permit maybe subject to modification by the Executive Director during the term of the permit as limitations or requirements as identified in section 3.03 of this article, are modified or other just cause exists. The Industrial User shall be informed of any proposed changes in his/her permit at 30 days prior to the effective date of change.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 3.06. Permit Reassignment

Industrial Discharge Permits are issued to a specific Industrial User for a specific operation. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new Owner, new Industrial User, different premises, or a new or changed operation without the approval of the Executive Director. Any succeeding Owner or Industrial User shall also comply with the terms and conditions of the permit in existence prior to the time of transfer.

Section 3.07. Pretreatment Baseline Monitoring Report

3.07.01 Any Industrial User subject to National Pretreatment Standards shall submit a baseline monitoring report containing the information listed under section 3.02 (form supplied by the Utility) and in 40 CFR 403.12(b), to the Executive Director by whichever deadline is later:

- 1) 180 days after the final administrative decision is made upon a category determination submission under 40 CFR 403.6 (a)(4);
- 2) 180 days after the effective date of categorical Pretreatment for that particular industry;
 - a) If additional Pretreatment and/or O&M procedures will be required to meet the Pretreatment Standards, the Industrial User shall submit a schedule for compliance as detailed in section 3.03 of this article; and
 - b) If required, the Utility and/or the Town shall dictate the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and requirements, including but not limited to the reports required in 40 CFR 403.12.

Section 3.08. Compliance Schedule Report

3.08.01 If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards as indicated by the certification statement required by section 3.03 of this article, the shortest schedule by which the use will provide such additional Pretreatment must be followed. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

- 1) The schedule shall contain increments of progress 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 Industrial User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary

plans, completing final plans, executing contracts for major components, commencing construction, completing construction, or the like);

- 2) No increment referred to in section 3.08 of this article shall exceed 270 days; and
- 3) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Utility including, as a minimum, whether or not it complied with the increment or progress to be met on such date and, if not, the date on which it expects to comply with this increment or progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 270 days elapse between such progress reports to the Utility.

Section 3.09. Compliance Deadline Reporting

3.09.01 Within 90 days following the date for the final compliance with applicable Pretreatment Standards or in the case of a New Source, following commencement of the introduction of Wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Utility a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such Pretreatment Standards and Requirements.

3.09.02 The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and if not, what additional O&M and/or Pretreatment is necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an Authorized Representative of the Industrial User, and certified by the Utility.

Section 3.10. Periodic Compliance Reports

Any Industrial User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Executive Director with a copy provided to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Utility, a report indicating the nature and concentration, of pollutants in the effluent which are limited such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average daily flow reported in section 3.03 of this article. At the discretion of Utility and in consideration of such factors as local high or low flow rates, holidays, budget cycles, or the like, the Executive Director and/or the Superintendent may agree to alter the months during which the above reports are to be submitted.

Section 3.11. Self-Monitoring Report and Regulations

3.11.01 If a self-monitoring report is required, the reporting schedule and requirements will be stated on each Industrial User's Wastewater Discharge Permit. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass where requested by the Utility of pollutants contained therein which are limited by the applicable Pretreatment Standards. All analyses shall be performed in accordance with procedures established by the Approval Authority pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 with a copy of the report provided to the Superintendent. (Comment: Where 40 CFR, Part 136 does not include a sampling, an analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977").

3.11.02 In the event that any sampling performed by an Industrial User indicates a violation, said industry must inform the Utility and the Town within 24 hours of becoming aware of the violation. Any violation of the Self-Monitoring Reports shall result in the industry retesting for that parameter. The results of the analysis must be submitted to the Utility and/or the Town within 30 days of the industry becoming aware of the violation, as described in 40 CFR 403.12(g)(2).

3.11.03 Requirements. Periodic measurements of flow, Pollutant concentrations and other appropriate waste characteristics shall be made by those Industrial Users specifically designated by the Utility. The Utility shall determine the type of sampling required. Upon request all samples taken by the Industrial User shall be divided with the Utility for testing as specified by the Utility. Continuous monitoring may be required in cases involving large fluctuations in quantity or quality of wastes, or if the Wastewater appears to have characteristics which may damage the POTW. The acceptability of any monitoring results shall be determined by the Utility. Self-monitoring frequency, parameters, and location shall be specified by the Utility and stated on the Industrial User's discharge permit.

3.11.04 Monitoring Facilities. The Utility and/or the Town shall require, monitoring facilities to be provided and operated at the Industrial User's expense to allow inspection, sampling, and flow measurement of the Building Service Lateral and/or internal drainage systems. The monitoring facility should normally be situated on the Industrial User's premises but the Utility may, with the Town's permission, when such location would be impractical or cause undue hardship on the Industrial User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such facility for sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Utility and/or the Town's requirements and all applicable construction standards and

specifications. Construction shall be completed within 90 days following written notification by the Utility and/or the Town.

3.11.05 Analysis. All measurements, tests and analyses of the characteristics of Wastewaters to which reference is made in this section, shall be determined in accordance with 40 CFR 136. All sampling shall take place at locations designated by the Utility after review of an Industrial Discharge Permit application and site investigations, as specified in section 3.03 of this article. All requirements for monitoring of Wastewater discharges shall be determined by the Utility and shall be found in the Industrial User's Industrial Discharge Permit. Any costs associated with the sampling and testing of the industry's effluent shall be paid by the individual industry.

Section 3.12. Notice of Potential Problems, including Slug Loading

All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any Slug loadings, as defined by 40 CFR 403.5(b), by the Industrial User.

Section 3.13. Accidental Discharges

3.13.01 Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing Facilities and operating procedures to provide this protection shall be submitted to the Utility and/or the Town for review, and shall be approved by the Utility and/or the Town before construction of the facility. All existing Industrial Users shall complete such a plan within 90 days of the effective date of these Regulations from which this section derives. No Industrial User who commences contribution to the POTW after the effective date of the Regulations from which this section derives shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Utility and/or the Town. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of this section.

3.13.02 In the case of an accidental discharge, it is the responsibility of the Industrial User to immediately notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within 5 days following an accidental discharge; the Industrial User shall submit to the Utility a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW; fish kills, or any other damage to Person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this regulation or other applicable law.

3.13.03 A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure in accordance with applicable laws.

3.13.04. Development of a Slug/Spill Plan

3.13.04.01 The Utility shall evaluate, at least once every 2 years, whether each such Significant Industrial User needs a plan to control Slug discharges. For purposes of this subsection, a Slug discharge is any discharge of a non-routine episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the Approval Authority upon request. If the POTW decides that a Slug control plan is needed, the 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 40 CFR 403.5(b), with procedures for follow-up written notification within 5 days; and
- 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.

Section 3.14. Upset Reporting

3.14.01 The occurrence of an Upset, as defined in Article 1, shall constitute an affirmative defense for an Industrial User to an action brought for non-compliance with national Pretreatment Standards and local and state requirements only if all the conditions in this section are met.

3.14.02 The burden of proof for such upset shall rest on the Industrial User. The Industrial User must notify the Utility and/or the Town within 1 hour of becoming aware of the upset. The Industrial User must have evidence to demonstrate the following conditions:

- 1) An upset occurred and the Industrial User can identify the specific cause(s) of the Upset;

- 2) The Treatment facility was, at the time, being operated according to Best Management Practices; and
- 3) The Industrial User has submitted the following information within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days):
 - a) A description of the discharge or cause of non-compliance;
 - b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the non-compliance.

3.14.03 The Industrial User shall control production and all discharges to the extent necessary to maintain compliance with Pretreatment Standards upon reduction, loss, or failure of its Treatment facility until the facility is restored or an alternative method is provided. This requirement applies in the situation where, among other things, the primary source of power of the Treatment facility is reduced, lost, or fails.

Section 3.15. Record Keeping

3.15.01 Any Industrial User subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section and/or the Industrial User's Wastewater discharge permit. Such records shall include for all samples:

- 1) The date, exact place, method, and time of sampling and the name(s) of the Person(s) taking the samples;
- 2) The dates analyses were performed;
- 3) Who performed the analyses;
- 4) The analytical techniques/methods used; and
- 5) The results of such analyses.

3.15.02 Any Industrial User subject to the reporting requirements established in this section shall be required to maintain, for a minimum of 7 years, all records of monitoring activities and results. Records shall be made available for inspection and copying by the Utility and Town. The period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User and the Utility and/or the Town. This period may also be extended upon request of the Approval Authority.

Section 3.16. Sludge Documentation

The transportation and/or disposal of sludges generated by Pretreatment shall be subject to applicable federal, state, and local regulations. The Industrial User shall be responsible for documenting the transporting and/or disposal of all Pretreatment sludges. Receipts and other documentation shall be kept for a minimum of 7 years or longer if state or federal laws require and shall be made available to the Utility upon request.

Section 3.17. Intercepted and Separated Materials

Upon request by the Utility, an Industrial User having an interceptor or separator must state specifically how the waste oil, grease, solvent, paint, or the like, is disposed of and must provide evidence of such disposal service when required by the Utility. Records and receipts must be kept which demonstrate that these waste materials were contained and transported in a safe manner as prescribed by the rules of regulatory agencies, including, but not limited to the U.S. Department of Transportation, and handled by reputable Persons who shall dispose of all such wastes in accordance with all federal, state and local regulations.

Section 3.18. Truth in Reporting

3.18.01 The reports required by this section shall comply with provisions of the United States Code 918 USC 1001 relating to fraud and false statements and the provisions of Section 309 (c)(2) of the Act governing false statements, representations or certifications in the reports required under the Act:

- 1) All applications, reports, or information submitted to the Utility and/or the Town must contain the following certification statement, as prescribed by 40 CFR 403.12(1), and be signed by the authorized representative or signature authority as described in article 1: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the Person or Persons who manage the system, or those Persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."; and
- 2) All laboratory analyses shall include a signed statement from the laboratory director stating the accuracy and authenticity of the results in accordance with 40 CFR 403.6(a)(2)(ii).

Section 3.19. Utility and/or the Town Inspection and Sampling

The Utility and/or the Town may inspect the Facilities of any Industrial User to ascertain whether the purpose of this section is being met and all requirements are being followed. Persons or occupants of premises where Wastewater is created or discharged shall allow the Utility and/or the Town ready access at all reasonable times to all parts of the premises for the purpose of inspection, observation, measurement, sampling, records examination and copying. The Utility, Town, EPA, and the Approval Authority shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where an Industrial User has security measures, enforcers would require proper identification and clearance before entry into the premises, the Industrial User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Utility, the Town, EPA and Approval Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Unreasonable delays in allowing Utility and Town personnel, upon presentation of credentials, access to the Industrial User's premises is a violation of these Regulations.

Section 3.20. Compliance with Federal and State Regulations

3.20.01 Industrial Users shall provide necessary Wastewater Treatment as required to comply with this section and shall achieve compliance with all Categorical Pretreatment Standards within the time limitations as specified by federal pretreatment regulations. Any Facilities required to pretreat Wastewater to a level acceptable to the Utility shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment Facilities and operating procedures shall be submitted to the Utility for review and shall be acceptable to the Utility before construction of the facility. The Town may require that an independent outside consultant review the plans. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Utility under the provisions of this section. Any subsequent changes in the Pretreatment Facilities or method of operation shall be reported to and be acceptable to the Utility prior to the Industrial User's initiation of the changes.

- 1) Local Limits: Industrial Users shall comply with the following maximum allowable concentrations for the constituents listed by the Utility's Sewer use ordinance and/or the Town on these Regulations, unless the industry is required to comply with a more stringent Categorical Pretreatment Standard (40 CFR Chapter I, Subchapter N, Parts 405 to 471). The Utility shall have the right to adjust these Local Limits as necessary to reflect changes in the loading conditions of the POTW. Any changes in these limits must first be presented to the Utility for adoption into this section. All changes to the Local Limits must be approved by the EPA, and go through public notice procedures prior to incorporation.

- 2) Pretreatment Standards: These Regulations hereby incorporates the National Pretreatment Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471. Industries which are covered under these standards must comply with the limits stated for the industry unless the Local Limits adopted by this regulation are more stringent for a particular Pollutant. The more stringent limit shall always be met by the industry.
- 3) Industrial Certification: The Utility requires any Person(s) who manages, operates or maintains a facility for Treatment of Industrial Wastewater to be certified as an Industrial Wastewater Treatment operator, by the Massachusetts Board of Certification of Wastewater Treatment Plant Operators. The certification requirements will be governed by the board of certification for each industry.

Section 3.21. Confidential Information

Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Executive Director that the release of such information would divulge information, processes or methods of production are entitled to protection as trade secrets of the Industrial User. However, the restriction of information shall in no way violate the State Public Records Law. If a claim of confidentiality is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2. Information claimed as confidential in the application process shall be made available, upon written request, to governmental agencies for uses related to the section, NPDES permit, state disposal system permit and/or the Pretreatment programs. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 3.22. Harmful Contributions

3.22.01 The Utility and/or the Town may suspend the Wastewater Treatment service and/or an Industrial Discharge Permit when such suspension is necessary in the opinion of the Executive Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of Persons, to the environment, causes Interferences to the POTW or causes the Utility and/or the Town to violate any condition of its NPDES permit.

3.22.02 Any Person notified of a suspension of Wastewater Treatment service and/or the Person's Industrial Discharge Permit shall immediately stop or eliminate the contribution. In the event of failure of the Person to comply voluntarily with the suspension order, or if the discharge appears to present an imminent danger to the health or welfare of Persons, the Utility and/or the Town shall take such steps as deemed necessary, including immediate severance of the Sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Utility and/or the Town shall reinstate the Industrial Discharge Permit and/or the Wastewater Treatment service upon

proof of the elimination of the non-complying discharge. A detailed written statement submitted by the Industrial User describing the cause of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Executive Director within 15 days business days of the date of occurrence.

Section 3.23. Determination of Non-Compliance

The Executive Director may use Grab Samples when necessary to determine non-compliance with Pretreatment Standards.

Section 3.24. Revocation of Industrial Discharge Permits

3.24.01 Any Industrial User who is in violation of these Regulations, or applicable state and federal regulations for the following reasons, is subject to having its discharge document revoked in accordance with the procedures of section 3.03 of this article:

- 1) Failure of an Industrial User to factually report Wastewater constituents and characteristics of the Industrial User's discharge;
- 2) Failure of an Industrial User to report significant changes in operations or Wastewater constituents and characteristics;
- 3) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring;
- 4) Violation of conditions of the permit;
- 5) Falsifying self-monitoring reports;
- 6) Tampering with monitoring equipment;
- 7) Failure to meet effluent limitations;
- 8) Failure to pay fines; and
- 9) Failure to meet compliance schedules.

Section 3.25. Notification of Violations

Whenever the Utility finds that any Industrial User has violated or is violating this section, Industrial Discharge Permit, or any prohibition, limitation or requirements contained herein, the Utility may serve upon such Person a written notice stating the nature of violation. Within 30 days of date of notice, a plan for the satisfactory correction thereof shall be submitted to the Utility by the Industrial User. In no way shall it be construed that the issuance of a notification of violation shall relieve the industry of any

enforcement actions by the Utility for any other violations or continuation of a violation, during the 30 day period.

Section 3.26. Falsifying Information

Any Person who knowingly makes false statements, representation or certification in any application, record report, plan or other document filed or required to be maintained and pursuant to this section, or Industrial Discharge Permit, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this section, shall upon conviction, be punished by a fine of not more than the maximum allowable under Article 8 of these Regulations.

Section 3.27. Public Notification of Significant Non-Compliance

3.27.01 If over a 365 day period, there shall exist the occurrence of a significant non-compliance, the public shall be made aware of this fact by the Utility through the publication of the daily local newspaper said Significant Non-compliance in the public participation requirements of 40 CFR Part 25, in the enforcement of National Pretreatment Standards. For the purposes of this provision only, an Industrial User is in significant non-compliance if its violation meets one or more of the following criteria:

- 1) Chronic violations of Wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a 180 day period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter;
- 2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements for each Pollutant parameter taken during a 180 day period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- 3) Any other violation of a Pretreatment effluent limit (daily maximum or longer term average) that the Control Authority 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);
- 4) Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW exercise of its emergency authority to halt or prevent such a discharge;
- 5) 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 obtaining final compliance;

- 6) 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;
- 7) Failure to accurately report non-compliance; and
- 8) Any other violation or group of violations which the Utility determines will adversely affect the operation or implementation of the local Pretreatment program.

Section 3.28. Notice of By-Pass

3.28.01 If an Industrial User knows in advance of the need to bypass, it shall submit prior notice to the Utility, if possible at least 10 days before the date of the bypass.

3.28.02 An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Utility, within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Utility may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

Section 3.29. Tenant Responsibility

Where an Owner of a property leases to another Person as a tenant under any rental agreement or lease agreement, if either the Owner or the tenant is an Industrial User, either or both shall be held responsible for compliance under the provisions of this regulation and those of the Act.

Section 3.30. Discharge of Regulated Wastes

Pursuant to 40 CFR 403.12 (p), all Industrial Users must notify in writing, the Utility, Town, EPA and state, of any discharge to the POTW which would be considered a hazardous waste, if disposed of in a different manner, outside of the Pretreatment process.

Section 3.31. Notification of Changed Discharge

All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12 (p). The Utility and/or the Town reserves the right to request any additional Treatment or costs for an increase in the discharge of its components.

Section 3.32. Dilution Prohibition

No Person shall achieve, or attempt to achieve, compliance with these Regulations by diluting a discharge instead of using proper Pretreatment. The increased use of process water in place of proper Treatment shall be considered dilution prohibited by these Regulations.

ARTICLE 4

DESIGN CRITERIA FOR SANITARY SEWERS

Section 4.01. Design Criteria

Plans and specifications submitted to the Superintendent shall be in accordance with the American Society of Civil Engineers – Manuals and Reports on Engineering Practice – No. 60, Water Pollution Control Federation – Manual of Practice – No. FD-5 “Gravity Sanitary Sewer Design and Construction” latest edition and in accordance with 310 CMR 15.203. All designs shall be based on sound engineering principles and subject to the review of the Superintendent.

Section 4.02. New Developments or Subdivisions

4.02.01 The design of any proposed Sewer Extension must be approved by the Superintendent prior to issuance of a Sewer Permit for construction. Sewer Extensions shall be designed in accordance with the American Society of Civil Engineers Manuals and Reports on Engineering Practice No. 60 & Water Pollution Control Federation Manual of Practice No. FD-5 “Gravity Sanitary Sewer Design and Construction” latest edition and in accordance with 310 CMR 15.203. Sewerage Works construction must be inspected and approved by the Superintendent and the cost for engineering inspections of the construction shall be borne by the Person proposing the Sewer Extension. Construction of Sewer Extensions shall be made in compliance with all Town rules and regulations and standards and at the Applicant’s expense.

4.02.02 Any and all proposed contributions of Wastewater to the Town’s Sewerage Works shall be reviewed prior to any such discharge being approved by the Superintendent who may, at the Superintendent’s discretion, confer with a consultant engineering firm selected by the Town, at the Applicant’s expense.

4.02.03 Connection to the Town’s Sewerage Works shall be subject to the availability of capacity in the system as determined by the Town. The Superintendent may deny a permit for any connection to Town’s Sewerage Works unless there is sufficient capacity not legally committed to other Sewer Users to convey the quantity of Wastewater that the requested connection will add to the system. Connections shall be made in compliance with all Town regulations and standards and at the Applicant’s expense. The Town will charge the Applicant for all reviews, meetings, consultations, follow-ups and related activities relevant to the resolution and disposition of the proposed discharges. The most current market value, plus overhead and profit, shall be billed for the services of a consultant engineering firm selected by the Town. The method of payment for these services shall be in form of a check deposited on an escrow account by the Applicant prior to the acceptance and introduction of these wastes into the Sewerage Works.

4.02.04 All such proposals shall be submitted in writing and shall include all relevant laboratory data and analysis, when applicable.

Section 4.03. Plans and Specifications

4.03.01 Plans and specifications will be accepted for review only if the plans and specifications are complete and include, but are not limited to, the following:

- 1) Town Map Number, Town Lot Number, Subdivision Plan Title (if applicable) and street name and number;
 - a) Contour lines shall be drawn at 2 foot intervals with corresponding elevations for existing and finish grades. These contours must be by actual survey on the ground or accurate aerial photography. Enlarged coast and geodesic contour maps shall not be accepted.
- 2) Benchmarks shall be based on the United States Geodetic Base, assumed base will not be allowed, except with permission of the Superintendent. Benchmarks will be established at the site. Any site within 1500 feet of a USGS Base must use the USGS Base;
- 3) Specific location of buildings and principal topographic features;
- 4) Site Plan Scale shall be 1 inch equal to 20 feet minimum;
- 5) Locus Plan Scale shall be 1 inch to 800 feet minimum;
- 6) Profile and section plans of the Sewer area shall be submitted and drawn to scale;
- 7) Sanitary Building Drains and Building Service Lateral profile scale;
 - a) Horizontal shall be 1 inch equal to 40 feet minimum;
 - b) Vertical shall be 1 inch to 4 feet minimum.
- 8) Lot grading plan scale;
 - a) Horizontal shall be 1 inch to 20 feet minimum;
 - b) Vertical shall be determined if and where necessary to detail existing and/or proposed grade change.
- 9) Direction of North;
- 10) Lot area and dimension;
- 11) Calculations showing design flow based on 310 CMR 15.203;
- 12) Watercourses and wetlands on or adjacent to the property of the proposed Sewerage Works. It shall be noted if they do or do not contribute to a public water supply;

- 13) Size, length, type and slope of all piping, structures, cleanouts and pump stations when applicable;
- 14) Driveways;
- 15) Datum;
- 16) Underground utilities;
- 17) The name and address of the Owner of record and Easements together with the book and page number as recorded at the Middlesex North Registry of Deeds and/or Land Court Section;
- 18) The name and address of the registered Professional Engineer in the Commonwealth responsible for the design of the Sewerage Works;
- 19) The name and address of Applicant if different from that of Owner;
- 20) The date when the plan was drawn and date of any revisions;
- 21) Lot grading plans shall show the following at a minimum;
 - a) Existing and finish grades at all corners of the lot;
 - b) Existing and finish grades at all corners of the structure;
 - c) Existing and finish grades at the beginning and end of driveways or walks;
 - d) Direction of the flow of surface water through swales.
- 22) Base flood elevation;
- 23) Invert elevation of the Town Sewer main at the street;
- 24) Sewer service stub or saddle connection; and/or
- 25) Any other pertinent information as determined by the Superintendent.

4.03.02 The plans shall be prepared by a Registered Professional Engineer in the Commonwealth and shall include a statement that all plans and specifications were prepared in accordance with these Regulations. The record drawings shall also include a statement that all plans and specifications were constructed in accordance with these Regulations. Sewers shall be designed in compliance with all Town regulations and standards and section 2.41 of these Regulations.

ARTICLE 5

LICENSING OF DRAIN LAYERS

Section 5.01. License for Drain Layers

5.01.01 All Persons that wish to perform sewer work in the Town shall obtain an application for a Drain Layers license from the Superintendent prior to performing any work in the Town. All licenses shall be issued for a one-year period with renewal required on there or about January 1st of each year, as issued by the Superintendent.

5.01.02 In applying for a license, the Drain Layer shall provide all information required by the Superintendent including a statement that the licensee will supervise and be responsible for all work performed under the license.

5.01.03 The licensee shall file with the Town Treasurer a Commercial General Liability Insurance Certificate in accordance with the requirements of section 11.04.070 of the Tewksbury Town Charter and a Certificate of Deposit (CD) or passbook with the same name of the Town in the amount of \$5,000.00, said CD or passbook shall be returned to the Drain Layer upon relinquishing the Drain Layers license and upon verification by the Town that there are no outstanding permits associated with said Drain Layer. This requirement may also be satisfied by submitting a license and permit bond for the sum of \$5,000.00 with the Town Treasurer.

5.01.04 Upon notification to the Superintendent that deficiencies exist for any work undertaken during the immediately proceeding 365 days, failure by the licensee to remedy said deficiencies within 24 hours of notification shall result in the Superintendent authorizing said deficiencies to be corrected and the costs shall be deducted from the licensee's permit bond or passbook by the Town and the Drain Layer shall be issued a written warning for failure to remedy the deficiency.

5.01.05 A Certificate of Insurance covering Workmen's Compensation along with an affidavit shall be filed, all of which shall remain in full force and effect for a period of at least 1 year from the date of approval. Said insurance shall indemnify the Town against any and all claims, liabilities, or actions for damages incurred in, or in any way connected with the performance of work by a Drain Layer and for, or by any reason of, any acts of omission of said Drain Layer in the performance of the work.

5.01.06 Persons whose place of business is established within the boundaries of the Town, shall, prior to obtaining a Drain Layers license, have their due taxes paid in full with the Town Treasurer and no other outstanding violations with the Town.

5.01.07 Performing work without a permit will result in immediate removal from the Drain Layers list.

Section 5.02. Licensee Not Allow Use of Name by Another

5.02.01 No Drain Layer duly licensed to construct Building Service Lateral, Sewer mains and other private Sewers and make connections to Public Sewers shall allow the Drain Layer's name to be used by another Person, either for the purpose of obtaining permits or doing any work under such license. Any Drain Layer that allows the use of the Drain Layer's license by another shall be issued one written warning notifying the Drain Layer of the violation of this section.

5.02.02 All Building Service Lateral installation work shall be performed by Drain Layers licensed by the Superintendent.

5.02.03 Applicants for permits under this article must be Drain Layers licensed by the Superintendent.

Section 5.03. Forfeiture of License

Any Drain Layer violating any provision of these Regulations shall be notified of such violation by means of a written warning. Failure of the Drain Layer to act upon the first written warning shall be issued a second written warning. Failure of the Drain Layer to act upon the first and second warning shall, in addition to the general penalties, have the license suspended for a period of 180 days or as determined by the Superintendent. The suspended Drain Layer may reapply after the 180-day suspension period.

Section 5.04. Inspection Powers of the Superintendent

5.04.01 The Superintendent, bearing proper credentials and identification shall be permitted to enter, at reasonable times, all properties connected to the Public Sewer for the purposes of inspection, observation, measurement, sampling, and testing all in accordance with the provisions of these Regulations.

5.04.02 No work shall begin before obtaining a signed permit from the Superintendent and all required fees have been paid. A minimum of 24 hour notice (1 business day) is required to schedule an inspection. Final inspections shall be scheduled to begin between the hours of 8 AM to 3 PM, Monday through Friday, excluding holidays. Any duly licensed Drain Layer that fails to perform or complete any permitted activity under these Regulations within the normal business hours stated above, will be charged at a billable rate per hour for the Town's inspectional services after 4:30 PM. A minimum of 1 hour rate shall apply. The method of payment for these services shall be in form of a check made payable to the Town prior to the final acceptance and signature on the permit.

5.04.03 The licensed Drain Layer is responsible for requesting an inspection.

5.04.04 Trenches may not be backfilled until they are inspected.

5.04.05 The Sewer Permit must be in the possession of the licensed Drain Layer at all times during inspection of the work.

Section 5.05. Notification of the Superintendent

The Drain Layer shall notify the Superintendent when the Sewer stub for the Building Service Lateral installation is ready for inspection and when the final Building Service Lateral installation to the Public Sewer has been completed. The connection shall be made under the supervision and/or observation of the Superintendent.

Section 5.06. Notification for Completion of Work

Notification of the completion of work with certification that all conditions have been complied with shall be filed in writing with the Superintendent no later than 48 hours after the completion of the work covered in each permit.

ARTICLE 6

CHARGES FOR SEWER SERVICES

Section 6.01. Establishment of Rates and Charges

Rates and charges for Sewer service shall be established annually. Such rates and charges shall be computed based upon the total amount budgeted for Wastewater O&M (including replacement) and projections of estimated water consumption, Wastewater discharge and such other factors as shall be necessary to establish such rates and charges. The rates and charges established shall be in accordance with Section 204(b) of the Clean Water Act (33 USC 1251 et seq.), and pursuant to M.G.L. c.83 § 16, and shall be established to provide sufficient revenues to pay all expenses of operating and maintaining the Sewerage Works, debt service and capital improvements of the Sewerage Works. The charges for Sewer service shall be assessed to all Persons with a connection to the Sewerage Works.

Section 6.02. Method of Assessment

The assessment of charges shall be based on a uniform rate per volume of metered water consumption. Where metered water consumption data is not available, charges for Sewer service shall be based on estimated water consumption, as determined by the Town.

Section 6.03. Measurement of Sewer Usage for Properties with Private Wells

Upon application by a Person to the Superintendent, the Town shall authorize said Person to purchase and install a Town approved water metering device, compatible with the Town's monitoring equipment, when connected to the Sewerage Works or are in the process of connecting to the Sewerage Works. Said water metering device installation shall be performed as directed by the Town once the Person configures the Person's plumbing system in conformance with the Town's requirements for water metering device installation and valves and agreed to periodic inspections of the water metering device, plumbing system including valves and any required fees. Said water metering device installation shall be performed in a horizontal manner. Upon installation, inspection and approval by the Town of a water metering device for a private Well and where Wastewater is being discharged into the Sewerage Works, the Town shall use the reading from the water metering device as a basis for charges of the Sewer service.

Section 6.04. Measurements of Sewer Usage for Manufacturers of a Product

Any Person whose primary water use is for the manufacturing of a product for wholesale and/or retail sale may file a written request to install a magnetic metering device on Person's Sewer line to be used for measurement and billing of Sewer flow. Said written request shall describe the magnetic metering device to be installed including technical specifications at the location of the installation of the Sewer line. Such requests shall meet current Town standards. The Superintendent, if the written request is satisfactory,

shall provide written Approval for the installation provided the Sewer user agrees to install it at Person's sole expense as directed by the Superintendent, provides sufficient opportunity to read the metering device and inspect it, and agrees to follow the manufacturer's specifications for calibrating the metering device and said calibrations shall be performed by an independent testing firm satisfactory to the Town. Upon installation and testing of the metering device, which may be observed by Town personnel, inspected by Town personnel and/or written documentation by a professional installer who is acceptable to the Town, that the magnetic metering device is properly installed and tested; the Town shall base its Sewer charge on the Sewer flow from the magnetic device. If the magnetic device is in need of replacement, it shall be replaced by the Sewer user forthwith using best efforts and at user's sole expense. If at any time the Town finds the magnetic metering device is not being calibrated as recommended by the manufacturer of the magnetic metering device, is not being calibrated by an independent testing firm satisfactory to the Town or is not operating, the Town may suspend using the device as a basis for billing Sewer use and instead use the total water use as a means of billing.

Section 6.05. Payment

Bills for Sewer use shall be rendered as determined by the Town and are due and payable within 30 calendar days of mailing. Interest shall accrue on bills not paid within the 30 days. Nothing in these Regulations shall relieve any Person from payment of sewer use, whether or not bills for sewer service are issued to the Person.

Section 6.06. Appeals

6.06.01 Persons aggrieved of bills rendered pursuant to this article shall notify the Superintendent, in writing, within 30 days, that the bill is being contested. The notification shall include an explanation as to why the charges are contested including information supporting the claim. Upon receipt of the appeal, the Superintendent shall act upon the appeal as quickly as possible and shall inform the appellant of the results of the investigation. The determination of the Superintendent shall also be transmitted to the Town Treasurer who shall take the following action. For claims that are considered valid abatements, the bill will be adjusted and the new adjusted charges will be due and payable 30 days after the date of the abatement letter is issued. Revised charges shall then be due and payable as specified in section 6.05 of this article. For claims not found to be valid by the Superintendent, the date of the billing shall be as originally issued, and charges and interest shall be computed as specified in section 6.05 of this article.

6.06.02 Persons aggrieved of the decision of the Superintendent shall have a right of appeal to the Town Manager who shall then process said claim in the same manner as set forth above. Appeals of the Superintendent's decision shall be made within 30 days of the decision in writing to the Town Manager. The decision of the Town Manager shall be final.

Section 6.07. Tax liens of Overdue Charges

Charges for Sewer use which are overdue and uncontested shall become a tax lien as is provided in M.G.L. c.83 §16A - §16F.

Section 6.08. Toxic Wastes

In addition to the provisions of this article, any Person discharging toxic wastes which increase the cost of Treatment or sludge disposal shall be assessed additional charges equal to such increased costs, as determined by the Superintendent.

ARTICLE 7

PROTECTION FROM DAMAGE

Section 7.01. Prohibited Acts

No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is part of the POTW. Any Person violating this provision shall be subject to charges as determined by federal, state or local law.

Section 7.02. Trespass

No unauthorized Person shall enter or remain in or upon land or structure of the POTW. Any Person violating this provision shall be subject to charges as determined by federal, state or local law.

ARTICLE 8

POWER, AUTHORITY AND PENALTIES

Section 8.01. Authorized Inspection

The Superintendent bearing proper identification shall be permitted to enter, at reasonable times, all properties for the purpose, as determined by the Superintendent, of inspection, observation, measurement, repair, maintenance, sampling, and testing in accordance with the provisions of these Regulations.

Section 8.02. Requirement to Observe Safety Rules

While performing the necessary work on private properties referred to in section 8.01, above, the Superintendent shall observe all safety rules applicable to the premises established by the Owner and the Town shall indemnify the Owner against loss or damage to its property by Town employees.

Section 8.03. Authority in Easements Acquired by the Town

The Superintendent bearing proper identification shall be permitted to enter upon all private properties through which the Town holds an Easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance and testing of any portion of the POTW lying within said Easement. All entry and subsequent work, if any, on said Easement shall be done in full accordance with the terms of the Easement pertaining to the property involved.

Section 8.04. Written Notice of Violation

Any Person found to be in violation any provisions of these Regulations, shall be served by the Superintendent with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory permanent correction of all violations, within the period of time stated in such notice.

Section 8.05. Penalties for Continued Violation

Any Person who shall continue any violation beyond the time limit provided for in section 8.04, shall be fined an minimum amount of \$1,000.00 as established by these Regulations and a maximum amount of \$5,000.00 as allowed per M.G.L., c.83, § 10. Each day in which such violation shall continue shall be deemed a separate offence. If the violation continues, the Superintendent shall direct the Town Counsel to seek an injunction in the Superior Court of the Commonwealth requiring the offender to cease all violations. Monetary penalties shall be issued by the Superintendent. Payment for monetary penalties issued by the Superintendent shall be due within 30 days by check, payable to the Town.

Section 8.06. Cost Recovery Measures for Violations

In addition to or in lieu of the assessed monetary penalties referenced in Section 8.05 of this Article, the Town may elect to assess cost recovery measures upon any establishment or individual violating these Regulations. Cost recovery measures may also be imposed upon any establishment or individual directly responsible for damage to and/or interference with the Town's Sewerage Works. Cost recovery measures may include, but shall not be limited to personnel costs, police details, legal fees, and repair and/or replacement costs. Said costs shall be documented by the Water and Sewer Division and approved by the Superintendent.

Section 8.07. Liability

Any Person violating any provision of these Regulations shall become liable to the Town for any expense, loss, or damage occasioned to the Town by reason of such offense. The expense, loss, or damage shall be established by a qualified and competent Professional Engineer, registered in the Commonwealth, retained by the Town, particularly skilled in the O&M of Sewerage Works.

ARTICLE 9

VALIDITY

Section 9.01. Repeal of Conflicting Regulations

All Regulations or parts thereof in conflict herewith are hereby repealed.

Section 9.02. Invalidation of Sections

If any section, clause, sentence, or provision of these Regulations shall be held to be invalid, illegal, unenforceable or in conflict with any other part of these Regulations, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

Section 9.03. City of Lowell Regulations

In addition to the Regulations set forth herein, all Persons shall comply in full with the regulations governing the use of the Sewers of the City of Lowell.

Section 9.04. Amendment of Regulations

Whenever a regulation or statute is cited, it shall mean as amended, unless the context of the regulation or statute provides otherwise.

ARTICLE 10

REGULATIONS IN FORCE

Section 10.01. Regulations in Force

These Regulations shall be in full force and effect from and after their passage, approval recording and publication as provided by law.

Section 10.02. Passage

Passed and adopted on the ____ day of _____ 2013

By the following signature:

Richard A. Montuori
Town Manager

SEWER REGULATIONS – FEE SCHEDULE

Permits

| | |
|------------------------------------------------------------------------|------------|
| Sewer Connection Permit (Residential) _____ | \$60.00 |
| Sewer Connection Permit (Commercial) _____ | \$100.00 |
| Sewer Connection Permit (Industrial) _____ | \$150.00 |
| Sewer Modification Permit (Residential, Commercial & Industrial) _____ | \$60.00 |
| Sewer Main Permit _____ | \$150.00 |
| Industrial Discharge Permits _____ | \$100.00 |
| Street Opening Permits (if needed) _____ | \$1,160.00 |
| Trench Permits (Pursuant to MGL c. 82A & 520 CMR 14.00) _____ | \$100.00 |

Licenses

| | |
|-------------------------------------------|----------|
| Drain Layers License Fee (Annually) _____ | \$100.00 |
|-------------------------------------------|----------|

Insurance Requirements for Drain Layer's License ^a

| | |
|----------------------------------------------------------------------------------------------------------------------------|----------------|
| General Aggregate _____ | \$2,000,000.00 |
| Each Occurrence _____ | \$1,000,000.00 |
| Combined Single Limit _____ | \$1,000,000.00 |
| Bodily Injury Liability (Automobile Liability Insurance – covers owned, non-owned and hire vehicles – each person) _____ | \$500,000.00 |
| Bodily Injury Liability (Automobile Liability Insurance – covers owned, non-owned and hire vehicles – each accident) _____ | \$1,000,000.00 |
| Property Damage Liability (each accident) _____ | \$250,000.00 |
| Combined Single Limit _____ | \$1,000,000.00 |
| Worker's Compensation and Employers Liability (each accident) _____ | \$100,000.00 |
| Worker's Compensation and Employers Liability (disease – policy limit) _____ | \$100,000.00 |
| Worker's Compensation and Employers Liability (disease – each employee) _____ | \$100,000.00 |

Bonds for Drain Layer's License

License and Permit Bond _____ \$5,000.00

Penalties

Minimum Fine Amount _____ \$1,000.00 per violation per day ^b

Maximum Fine Amount _____ \$5,000.00 per violation per day ^c

Other Fees and Charges

Plumbing Inspection Fee _____ \$40.00

A - 2 | Notes :

**a; Per Tewksbury Town By-law Section 11.04.070 Sub-section J*

**b; Per Rules and Regulations Governing the Use of Sewers, Town of Tewksbury, Massachusetts, Article 8, Section 8.05*

**c; Per MGL, c.83, § 10*