
**TOWN OF ROCKLAND, MA
SEWER USE ORDINANCE**

Board of Sewer Commissioners

February 2011

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ORDINANCE NO. 2008**SECTION 1—GENERAL PROVISIONS****1.1 Purpose and Policy**

This ordinance sets forth uniform requirements for the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers and the use of the Publicly Owned Treatment Works (POTW) for the Town of Rockland, County of Plymouth, State of Massachusetts and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the Town to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits, provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Rockland Sewer Commissioners shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Commission may be delegated by the Commission to the Superintendent.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report

CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
I/I- Infiltration and Inflow
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code
WWTF – Wastewater Treatment Facility

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

1. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. as well as any guidelines, limitations and standards promulgated by the USEPA pursuant to the Act.
2. Applicant The owner as herinafter defined who makes out a building sewer permit application with the intention of sewerage improved property.
3. Approval. Written approval.
4. Approval Authority United States Environmental Protection Agency Region I Coordinator.
5. Authority The Board of Sewer Commissioners of the Town of Rockland, or their authorized agent or representative.
6. Authorized or Duly Authorized Representative of the User.
 - (1) If the 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; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information

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- for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Commission.
7. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
8. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
9. Board. The Rockland Board of Sewer Commissioners or their authorized agent or representative.
10. Building Drain. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
11. Building Sewer or Service Connection. The pipe extension from the building drain to the public sewer or other place of disposal for the purpose of conveying wastewater.
12. Business/Commercial Establishment. The primary use of the property is not defined as residential or industrial.
13. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
14. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
15. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
16. Combined Sewer. A sewer receiving both surface runoff and sewage.

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17. Commission. The Rockland Sewer Commission and its duly authorized representatives.
 18. Control Authority. The Board of Sewer Commissioners.
 19. Cooling water. The water discharge from any system of condensation, air conditioning, cooling, refrigeration or other sources. Such water shall contain no polluting substances which could produce BOD, SS or toxic pollutants or substances limited in these amended rules and regulations.
 20. Control Manhole. Manhole which is installed along a sewer and which provides access for the observation, sampling, and measurements of the wastes.
 21. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
 22. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
 23. Domestic Wastewater. Normal water-carried household and toilet wastes discharged from any improved property, excluding ground surface or stormwater.
 24. Drain Layer. A person licensed by the Town of Rockland to lay building sewers from existing public sewers to building drains.
 25. Easement. An acquired legal right for the specific use of land owned by others.
 26. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
 27. Excessive. Amounts or concentrations of any constituent of wastewater which in the judgement of the Town will cause damage to any wastewater facility which will be produced in excessive quantities in the sludge produced at the Wastewater Treatment Facility which will be harmful to a wastewater treatment process which cannot be removed in the wastewater treatment works of the Town to the degree required to meet the limited stream classification standard of the receiving water, which can otherwise endanger life, limb, the environment or public property, or which can constitute a nuisance.
 28. Existing Source. Any source of discharge that is not a "New Source."
 29. Facilities. Structures and conduits for the purpose of collecting, treating, neutralizing or disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of 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 thereof and other appurtenances connected therewith.

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30. Floatable Oil. Oil, fat, wax, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
 31. Flow Equalization Facilities. Facilities in which variations in flow and composition of a liquid are averaged.
 32. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
 33. Garbage. The animal *and* vegetable wastes resulting from the handling, preparation, cooking and serving of food and from the handling, storage and sale of produce. It is composed largely of putrescible organic matter and its natural moisture content.
 34. Hauler. Any person who contracts for the disposal of septage and has obtained a septage handler/pumping permit and a septage dumping permit from the Board of Sewer Commissioners.
 35. Improved Property. Any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure domestic wastewater and/or industrial wastes shall be or may be discharged.
 36. Incompatible Pollutant. Any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified in the permit, which the POTW was not designed to treat, and does not adequately remove.
 37. Industrial Establishment. Any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article or from which any process waste, as distinct from domestic wastewater, may be discharged.
Indirect Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307 (b) (c) and (d) of the Act.
 38. Improved Property. Any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure domestic wastewater and/or industrial wastes shall be or may be discharged.
 39. Incompatible Pollutant. Any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified in the permit, which the POTW was not designed to treat, and does not adequately remove.
 40. Industrial User. A manufacturing, processing, or other nonresidential facility (such as hospitals,

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- commercial laundries, and tank and barrel cleaning operations) which discharges non-sanitary industrial wastes into a public sewer.
41. Industrial Wastes. The liquid or solid wastes from industrial processes, trade, or business, as distinct from sanitary sewage.
42. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use of disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance 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 Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
43. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.
44. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
45. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
46. Invert. The bottom inside of the sewer pipe.
47. Local Limit. Specific discharge limits developed and enforced by the Board upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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48. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
 49. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
 50. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
 51. National Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the USEPA.
 52. National Pollution Discharge Elimination System. A permit issued pursuant to Section 402 of the Act.
 53. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.
 54. New Source.
 1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source.
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
 2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
 3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or

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- (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
55. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
56. Owner. Any person vested with ownership, legal or equitable, sole or partial, or of any improved property.
57. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
58. Person. Any individual, firm, company, association, society, corporation or group, or any Federal, State or local governmental agencies or their representatives, or other entity.
59. pH. The logarithm to the base 10, of the reciprocal of the concentration of hydrogen ions expressed in gram atoms per liter of solution.
60. Phosphorus (denoting Total Phosphorus). The total of organic phosphorus and inorganic phosphorus.
61. Proponent. A potential User.
62. Pollutant shall mean any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of the POTW or its receiving waters.
63. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxic, or odor).
64. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
65. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

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66. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
 67. Private Wastewater Disposal System. The structure, equipment and processes required to treat wastewater generated on the owner's improved property. The system by be comprised of a septic tank and leaching field, or any other method approved by the Board of Health.
 68. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.
 69. Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
 70. Property. An area of land as marked on the assessment drawings in the office of the Town Assessor, Town of Rockland Massachusetts.
 71. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
 72. Public Sewer. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
 73. Receiving Water Quality Standards. The Massachusetts Water Quality Standards as provided by M.G.L. Chapter 21, Section 27.
 74. Receiving Waters. Any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of wastewaters.
 75. Sanitary Sewer. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
 76. Septage. The wastes primarily of sewage origin, which are removed from a cesspool, septic tank or similar receptacle.
 77. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
 78. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
 79. Sewer. A pipe or conduit for carrying sewage.
 80. Shall is Mandatory May is permissive.
 81. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

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1. An Industrial User subject to categorical Pretreatment Standards; or
 2. An Industrial User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the Commission on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
 3. The Commission may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The Industrial User, prior to Commission's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - (c) The Industrial User never discharges any untreated concentrated wastewater.
 4. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Commission may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
82. Significant Non Compliance. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

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- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that [the Superintendent] determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge; E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.
83. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause violation of the prohibited discharge standards in Section 2.1 of this ordinance. 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, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
84. Spill. The release, accidental or otherwise, of any material not normally released to the facilities, which by virtue of its volume concentration or physical or chemical characteristics, creates a hazard to the facilities their operation or their personnel. Such characteristics shall include, but are not limited to, volatile, explosive, toxic or otherwise unacceptable materials.
85. State. The Massachusetts Department of Environmental Protection.

86. Storm Drain. A sewer which carries storm and surface waters and drainage, but excluded sewage and industrial wastes other than unpolluted cooling water.
87. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
88. Superintendent. The person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Commission.
89. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
90. Total Kjeldahl Nitrogen. The Total of ammonia and organic nitrogen but does not include nitrate and nitrite nitrogen.
91. Town. The Town of Rockland, County of Plymouth, State of Massachusetts.
92. Toxic Pollutant. A pollutant or combination of pollutants listed as toxic in regulations promulgated by the USEPA.
93. User or Industrial User. A source of indirect discharge.
94. Unpolluted Water. Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards
95. Wastes. Substances in liquid, solid, or gaseous form which can be carried in water.
96. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
97. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2—GENERAL SEWER USE REQUIREMENTS**2.1 Private Sewage Disposal**

Where a public sanitary is not available the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the Board of Health.

2.2 Protection from Damage

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- B. No unauthorized person may enter or remain in or upon any land or structure of the sewerage works. Any person violating this provision shall be subject to charges of trespass.

2.3 Use of Public Sewers

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Regulation and with State and Federal laws and regulations.
- C. Sewers For Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.
- D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state and local permits have been obtained.
- E. Use of Sanitary Sewers. Except as specifically provided with reference to some particular sewer sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or cooling water or boiler blowdown.
- F. Any user with basement plumbing contributing sewage into the public sewer or sewage works is required to install a backflow preventor.
- G. Use of Storm Drains. Storm water and all other unpolluted drainage shall be discharged to storm drains. An NPDES permit is required prior to discharging industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.

- H. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Board will consider the pertinent facts and make a determination. Said determination will be final and binding.
- I. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below.
- L. The owner(s) 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, or right-of way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Regulation, within ninety (90) days subsequent to the date of official notice to do so, provided that said gravity public sewer is within one hundred (100) feet of the building.
- K. Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the building sewer shall be connected to a private wastewater disposal system complying with the rules promulgated thereto. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private, domestic wastewater disposal facility.
- L. In the event a User is not connected to the public water supply, but is connected to the public sewer, said User shall install and maintain a water meter, at his expense, from which the Town may monitor the use of the sewer. The type of meter and the method of installation shall be acceptable to the Water Department.
- M. The Commission, after receiving a written request from a User, may credit the User for disposal charges associated with water that is not discharged to the wastewater collection system from his property. The volume of non-sewer use water must be measured with a second water meter, or other means that is acceptable to the Water Department and the Commission. The User will receive a credit on his user charge bill for non-sewer use water. All water meter and plumbing costs shall be borne by the User.
- N. A portable water meter is available (subject to certain restrictions) from the Sewer Department on a limited temporary basis to those Users who do not have a permanent non-sewer use water meter. The User is responsible for reading and reporting the meter readings annually. Readings and requests for abatements shall be submitted (in writing) to the Sewer Department by December 31st of each year. Approved abatements will be credited during the next billing cycle. The Board reserves the right to enter the User's property to verify the meter readings.
- O. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph (I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean mineral soils, and their use shall be discontinued.
- P. No statement contained in the preceding paragraphs of this Section shall be construed to interfere with any additional requirements that may be imposed by the Board.

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- Q. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.
 - R. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, driveway drains, sump pumps or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
 - S. No person shall obstruct the free flow of air through any drain or soil pipe.

2.4 New Sewers and Sewer Connections

- A. Any person proposing an extension of the public sewer shall notify the Commission least forty-five (45) days prior to the proposed beginning of construction. Included with this notification shall be two sets of construction plans-and-specifications in sufficient detail to allow the Board to determine whether or not the proposed extension complies with the technical provisions of this Ordinance, and good sanitary engineering practice. The plans and specifications shall be stamped by a registered professional engineer. It is recommended that any person proposing an extension of the public sewer submit a preliminary conceptual design for tentative approval by the Board. If deemed necessary by the Board, the definitive plans and specifications shall be reviewed by the Board's engineer, at the expense of the owner/contractor/applicant. The cost of engineering services shall be paid in full before review or final approval of plans is given.

- B. I/I Removal Requirements for large Sewer Users

Any proponent that proposes to add additional flow to the sewer system greater than 440 gallons per day (average daily flow) must remove 11 gallons of infiltration/inflow (I/I) for every 1 gallon of wastewater flow they propose to add to the system. Sources of I/I are identified by the Town. Proponents must eliminate (remove sump pumps, foundation drains or other source of I/I by redirecting pipelines or constructing new drain pipes, rehabilitate manholes and pipelines, etc.) these sources in order to comply with this program, allowing their source(s) of wastewater flow to be connected to the system, while maintaining a flow rate to the WWTP at or below the permitted capacity as regulated by the Town's EPA/DEP NPDES permit. In the event the existing sources of I/I for removal are not known at the time the proponent requests a sewer connection permit, the Town may, at its sole discretion, allow the proponent to pay a one-time fee to the Town in lieu of waiting for I/I sources to become available for the proponent to remove. The funds collected in this way will be used to finance the future removal of I/I sources. The fee is to be determined by the Town as part of the Town's Policy and Procedure process. The fee is currently \$10 per gallon per day (gpd) of new discharge. The Town may allow this fee to be paid in place of performing the work necessary to comply with the eleven for one I/I reduction program requirement.

- C. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Board.

- D. Applications, Permits and Approvals

1. All applications for approval are to be submitted to the Town Office of Planning & Zoning. The information will be reviewed by the Board to evaluate availability of sewer services and the impact upon the sewer system.

2. There shall be three classes of connection permits:

(a) residential;
(b) business/commercial; and
(c) industrial. In either case, the owner or his agent shall apply for a connection on a specific form furnished by the Town. The permit application shall be supplemented by any plans specifications or other information considered pertinent in the judgement of the Board. The Board may require the owner to submit sewer connection plans and specifications to their engineer for review. All costs associated with the sewer connection review shall be paid for by the owner.

(d) All costs and expenses incident to the installation and connection of the building sewer shall be paid for by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(e) If a permit is issued, it shall be valid for no more than thirty (30) calendar days from date of issue. If voided, the fees are nontransferable. A drain layer can not have more than three (3) connection permits outstanding without written permission from the Board. The permit shall be available for inspection at the site of work. Drain layers may install building sewers only during normal working hours. Emergency working hours may be approved on a case by case basis by the Board.

3. For single residential and other small services, the owner(s) or his agent shall make application on a Sewer Connection Permit Application furnished by the Town to allow at least thirty (30) business days for review of service connection. Service connection to be installed only after Board approval and payment of all applicable fees. A small service is a service to a facility that is supplied with a 1" or smaller water service line and uses less than 30 gallons per minute of water. An access and inspection fee in accordance with the provisions of the Sewer Connection Permit Application shall be paid to the Town at the time the application is filed.

4. For large developments, institutional, industrial, large commercial facilities and new sewer main installations, the application shall be made at least sixty (60) business days for review of project proposals before final approval and construction commences. A new Utilities Permit Application shall be submitted if there are any revisions, changes or additional requirements relative to the proposed project. The revised application shall be made to allow at least sixty (60) business days for review before project approval. Access and inspection fees in accordance with the provisions of the Board's Fee Regulation are due to be paid to the Board at the time the application is filed.

- (a) All applications, comments, designs, plans, proposals and revisions thereof are to be submitted to the Town Office of Planning and Zoning.
- (b) The submittal shall be reviewed by the Board. The Board shall submit written review comments, rejections and approvals to the Town Office of Planning and Zoning.
- (c) The Board may, at its discretion, require the additional review of the project by other agencies and Boards.

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- (d) Projects that require MADEP Engineering review shall be considered for approval by the Board only after such review is completed.
Discharges < 15,000 gpd need only Town approval.
Discharges >15,000 gpd but < 50,000 gpd must file a one time certification statement with MADEP within 60 days after the connection starts to be used.
Discharges > 50,000 gpd must obtain a MADEP permit before construction.
 - (e) Sewer construction in a Zone 1 of a Public Water Supply Well or a Zone A of a Public Surface Water Supply is prohibited except to eliminate an existing pollution problem.
 - (f) Projects that require review by the Board of Selectmen shall be considered for approval by the Board only after such review is completed.
 - (g) Construction of the proposed project shall not initiate until such time as all access and inspection fees are paid and all Board approvals are complete.
 - (h) Inspections shall be as per Appendix A.
5. Applications for large developments, institutional, industrial, large commercial facilities and new sewer main installations shall submit the following information:
- a. Design flow calculations
 - b. Nature of flow
 - c. Design drawings with minimum scales:
 - 1. Horizontal 1" = 40'
 - 2. Vertical 1" = 4'
 - d. Design drawings shall include:
 - 1. Complete site drawings including all utility lines
 - 2. Sewer profiles showing all vertical separation of utilities
 - 3. Complete system specifications
 - 4. All appropriate details
 - e. Plans submitted by a Professional Engineer licensed in Massachusetts.
 - f. A detailed design documenting the basis for the selection, sizing, and general design of the infrastructure. This shall include, at a minimum, the number of units and expected flows, factors and assumptions used in sizing sewers, force mains, pump stations, and other infrastructure.
 - g. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Board.
 - h. A detailed project schedule that clearly identifies the dates or time frames associated with Planning Committee Submittals and Approvals, construct start dates, testing and start-up of infrastructure, acceptance by the Board, and expected commissioning of systems.
- E. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The Board reserves the right to recover costs associated with the review of any submittals, analysis of capacity to serve, inspection, and field-testing and start-up.
- F. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases,

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- the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- G. Separation of Lines. Sewer Lines shall be located with a minimum 10 feet horizontal separation from any existing or proposed potable water lines. Whenever sewers must cross water mains, the sewer shall be constructed as follows:
- (a). Sewer pipe shall be Class 52 Ductile Iron for a minimum distance of nine feet for each side of the crossing.
 - (b). Joints shall be mechanical type water pressure rated with zero leakage when tested at 25 pounds per square inch for gravity sewers and 12 times the working pressure for force mains. Joints shall not be located within nine feet of the crossing.
 - (c). Vertical separation of the sewer and water lines shall not be less than 18".
- H. During construction of a new sanitary sewer, the Town may construct the service connections for existing buildings to the curb or the property line or the edge of a right-of-way. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Town, its officers, and agents from all loss or damage that may result, directly or indirectly, due to the construction of a building sewer on his premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance, and of reconstruction, if needed of the building sewer and service connection.
- I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- J. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, other applicable rules and regulations of the Town, and the procedures set forth in Section 2.3 of this document. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Board before installation.
- K. The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 3 working days in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Board or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.
- L. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.
- M. No building sewer shall be covered until it has been inspected and approved by the Board. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.

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- N. The Board shall maintain a record of all connections made to public sewers and drains under this Regulation and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Board in securing the data needed for such records.
- O. All excavations for building sewer installation shall be adequately guarded 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 Town at the expense of the owner.
- P. A street opening permit shall be obtained from the Town at least twenty four (24) hours before opening the street except under emergency conditions as determined by the Board and approved by the Rockland Police Department.
- Q. Proposed new discharges from residential or commercial sources involving wastewater discharges exceeding (15,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics of existing industrial wastes that are being discharged into the POTW must be approved by MADEP. Any plans for substantial sewerage, or new pump stations must be submitted to MADEP or approval.
- R. Abandonment of Service. No person shall dismantle or move any building having a service entrance into a public sewer without first notifying the Board. Before the building is dismantled or moved, the entrance of the sewer service into such building shall be sealed with a watertight masonry plug or rubber cap. The seal shall be installed under the supervision of the Board. If the building sewer is determined to be unserviceable by the Board, the owner shall, at his own expense, remove such service and seal the opening at the public sewer.

2.5 Licensing of Persons Authorized to make connections to the public sewers

- A. Whenever public sewers are to be constructed the Commission may make such investigations as it deems necessary to determine the ability of the contractor to perform the work, and the contractor shall furnish the Commission all such information the Board may request, including but not limited to bonding capability, proof of insurance, references and a list of equipment to be used. The Commission reserves the right to reject the contractor if the evidence submitted fails to satisfy the Board that he is properly qualified to complete the work as proposed.
- B. As a minimum, the Contractor shall have been engaged in the mainline public sewer construction business for at least three years; shall have good references; shall have adequate equipment to complete the work; shall have personnel experience in mainline sewer construction and shall be bondable for the full amount of the estimated construction.
- C. Plumbers and Private Contractors of established reputation and experience will be licensed by the Board as authorized sewer main and sewer service installers. (Licensed Drain Layer).
- D. Applicants for licenses as sewer main and sewer service installers (Licensed Drain Layer) are required to pay a filing fee in accordance with the current fee schedule, payable to the Town, all of which will be refunded to the applicants if rejected.
- E. The contractor shall provide a reference from at least three (3) other Towns which the firm has done sewer work or proof of current licensure as a drain layer in another Massachusetts town.

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- F. All building sewer installation work shall be performed by Licensed Drain Layers with a statement that the licensee shall supervise and be responsible for all work performed under the license.
- G. As a condition of approval by the Board, applicants for licenses shall file with the Town an insurance certificate naming the Town as an additional insured party with General Commercial Liability Coverage with a minimum of \$ 1,000,000 and also riders for underground explosion and collapse (UEC) coverage; proof of Worker's Compensation Insurance up to the statutory limits; all of which shall remain in full force and effect for a period of least one year from the date of approval. No insurance policy shall be cancelled without thirty (30) days prior written notice to the Board. These Certificates shall contain a provision that coverage afforded under the policies will not be canceled until at least fifteen days prior written notice has been given to the Town. Said insurance shall indemnify the Town against any and all claims, liability or actions for damages incurred in or in any way connected with the performance of the work by a sewer system installer, and for or by reason of any act or omission of said sewer system installer in the performance of his or her work.
- H. If approved by the Board, applicants for licenses as sewer main and sewer service installers (Licensed Drain Layer Installer) shall obtain a License and Permit Bond in the amount of Five Thousand (\$5,000.00) Dollars or an amount equal to 100% of the construction cost of any proposed sewer connection located within or on public property, or an amount approved by the Board, whichever is greater, and shall remain in full force and effect for a period of one (1) year from date of acceptance by the Town of the contractor's last service connection. This bond will guarantee that the Contractor will comply with the bylaws and regulations of the Town regarding "Sewer Use Ordinance". The license and permit bond shall be duly executed by the Principal of the Contractor and by a Surety Company qualified to do business under the Laws of the Commonwealth of Massachusetts. Said bond shall be submitted to the Superintendent with the Contractor's letter requesting approval as a licensed sewer main and sewer service installer, (Licensed Drain Layer Installer), and shall be acceptable to the Superintendent.
- (1) In order for a Private Contractor to do any work in, on, under or around streets, sidewalks and property belonging to the Town, it will be necessary for the Contractor to furnish simultaneously with the submittal of the License and Permit Bond, a Certificate of Insurance listing the Town as an additional insured party with the following coverage:
- a. General Liability - \$1,000,000
Property Damage - \$1,000,000
Bodily Injury - \$1,000,000 per occurrence \$2,000,000 aggregate
 - b. Automobile Liability - \$500,000 Property Damage
Bodily Injury - \$500,000
 - c. Workmen's Compensation and Employer's Liability
 - d. Insurance shall include coverage for collapse and underground structures.
 - e. Insurance shall include coverage for projects/completed operations.
 - f. or any other amounts as determined necessary by the Town's insurance agency.
- (2) All above insurance coverage shall remain in full force and effect for a period of at least one (1) year from the date of acceptance by the Town of the last service connection installed by the Contractor. The Contractor shall take all responsibility for the work, and shall take all

precautions for preventing injuries to persons and property in or about the work area. The Contractor shall pay all debts for labor and materials contracted for or by him. The Contractor shall hold harmless and indemnify the Town and its Officers and Agents for all claims relating to labor, alleged infringement of inventions, patents, or from injuries to any person or corporation caused by the negligent acts of the contractor, or any of his agents or employees, or any subcontractor, or any agents or employees of any subcontractor, in performing said work for the Town, such obligation to hold harmless and indemnify the Town shall include only liability incurred as a result of the improper use of materials, procedures or labor.

- I. The Contractor shall NOT perform any work in, on, under or around streets, sidewalks and property belonging to the Town until a License and Permit Bond and a Certificate of Insurance is approved by the Board and the Contractor has received written notice that they are approved and are on file at the Board.
- J. Approved applicants will renew their Utility Installers Licenses by submitting a revised License and Permit Bond Certificate of Insurance, and License Fee by January 1st of each ensuing year.

2.6 Sewer Construction

A. General

(1) Project Coordination. The Board provides wastewater collection, interception, and treatment services. In general, the Board will accept additional sewerage infrastructure when designed in accordance to State/Local Code, general engineering practice, and Board standards. This specification includes limited Board standards intended to convey the general nature and quality of acceptable infrastructure. The Board will not accept or operate any infrastructure until the project has been completed and tested in accordance with any submittals and Board standards and details in this section. As-built drawings must be provided in hardcopy and electronic form to and approved by the Board before any infrastructure will be accepted or operated by the Board.

(2) Inspection. An inspector from the Board, a consultant working for the Board, or an inspector retained by the Town (with responsibility for the oversight of sewerage infrastructure to be installed) will be assigned to each project to ensure that all work is completed and materials are installed in compliance with all submittals and these specifications. The Board, or its representative, before incorporation into the work, must approve any deviation from the approved plans or specifications. All costs related to the engineering inspection shall be born by the applicant, an estimated amount will be set by the Board and will be payable prior to the issuance of the permit.

(3) The Contractor shall schedule with the Board for inspection services a minimum of 3 working days prior to construction. The Board cannot guarantee an inspector for the project without this notice. Start-up and acceptance testing of systems will require a 3 working day notice. All testing shall be observed by the Board or its representatives.

(4) As-Builts. Within 30 days of the completion of construction, the Owner/contractor/applicant must submit to the Board one set of as-built record drawings. The drawings shall show the actual in place plan and profile of the public sewer as well as house service connections. Ties shall be provided for all manholes and house services. Depth of house service shall also be provided. The drawings shall also be provided in the latest Auto CADD.

B. Non-Conformance

The Board will notify the contractor of any non-conformances. All nonconformances will be followed up in writing. All non-conformances shall be corrected at the Contractor's expense.

C. Standard Specifications and Details**(1) Submittals:**

a. Manufacturer's product data and installation instructions.

b. Certified copies of tests on pipe units.

c. Construction Records: Record depth and location of the following:

1. House service capped ends, clean-outs, bends in house service, connection points to sewer main.

2. Bends, thrust blocks in force mains.

3. Repairs to existing pipes.

Record neatly in a permanently bound notebook and submit at Substantial Completion. Provide access to records for the Board at all times. Submit copies to the Board on a weekly basis.

d. Shop Drawings: Submit for precast manholes and all precast concrete items. Show components to be used, elevations of top of precast sections, base and pipe inverts, location of pipe penetrations for each manhole. Verify finish grade elevation at each proposed manhole location in the field.

e. Product Data: Submit manufacturers' product data and installation instructions for frames, covers, grates, precast items, manhole sleeves and joint sealants.

(2) Products Pipe and Fittings

a. General: Provide fittings of same type and class of materials as pipe. Provide commercially manufactured wyes or tee/gyes for service connections. Fitting must have single piece gasket.

b. PVC Non-Pressure Pipe and House Services (Sewer):

4" through 12" Diameter:ASTMD 3034 orASTMD3033, strength requirement SDR 35; push-on joints, ASTM D3212; gaskets, ASTM F477.

Pipe stiffness, measured in accordancewithASTMD2412, shall be a minimum of 45 psi at 5% deflection.

c. Ductile Iron Pipe (Force-main): AWWA C151; thickness Class 52 AWWA C150; double cement lined, AWWA C104; push-on joints or mechanical joints with rubber gaskets, AWWA C111; fittings, AWWA C110.

d. Allowable Pipe Leakage Maximum allowable infiltration rates shall not exceed 300 gallons per inch diameter per mile per day for all types of pipe used in sewer systems.

e. Pipe Sizes. Eight-inch diameter is minimum acceptable for new gravity sewer mains. Four-inch diameter is minimum for building sewer where full flowing velocity will not be less than two feet per second and future extensions not anticipated.

(3) Manholes

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- a. Manhole and precast concrete structures capable of supporting AASHTO HS-20 loading. All precast concrete shall comply with ASTM C913 "Standard Specification for Precast Concrete Water and Wastewater Structures."
 - b. Precast Manhole Components: Shall comply with ASTM C478.
 - c. Base Sections: Precast monolithic construction to a point at a minimum of 6 inches above the crown of the incoming pipe.
 - d. Barrel Sections: Precast with no steps.
 - e. Top Sections: Precast eccentric cone with no steps.
 - f. Pipe to Manhole Connections: Flexible manhole sleeves shall be CP series manufactured by Interpace Corp., or approved equal. Size to fit diameter and type of pipe without use of gaskets.
 - g. Joints Between Precast Sections: Watertight, ship-lap-type seal with two rings of one-inch diameter butyl rubber sealant.
 - h. The exterior of all precast manhole sections shall be coated with a bituminous waterproof coating. The bituminous coating shall conform to ASTM Designation: D 41.

(4) Drop and Valve Manholes

- a. General: Conform to requirements for manholes. Provide pipe and accessories as shown on Drawings.
- b. Riser Support Bracket: 10 gauge, Type 304, No. 3 finish stainless steel.

(5) Inverts: Prefabricated plastic inverts are preferred.

- a. 180 Degree Straight Through Manholes: One piece molded fiberglass invert with integral pipe connections that are factory precast integral with the manhole base, Fiberliner 2000 Invert System as manufactured by Fiberliner 2000 New England, Inc, Tel. (508) 349-7401; or approved equal.
- b. Non Straight Through Manholes: One-piece plastic composite invert, Reliner as manufactured by Reliner Duran, Inc. Tel. (860) 434-0277; or approved equal. Provide concrete backfill with brick table.
 - 1. Concrete: 3000 psi.
 - 2. Sewer Brick: ASTM C32, Grade SS, hard brick.
 - 3. Mortar: Type M, ASTM C270. Use Type II Portland cement, Type S lime. Proportions for Mortar: 1 part Portland cement, 1/4 part hydrated lime, 3 to 3 3/4 parts sand.

(6) Risers: Rubber riser rings are preferred.

- a. Rubber adjustment riser rings manufactured from a rubber fibrepolyurethane prepolymer composite, Infra-Riser as manufactured by GNR Technologies Inc. or approved equal.
- b. No more than 3 courses of brick may be used. Any work must be acceptable to the Board.

(7) Frames, Covers, and Grates:

- a. Material: Cast iron, ASTM A48 Class 30.

b. Manhole Frames and Cover: Manhole frames and cover shall be catalog no. **LT102** as manufactured by E.L. Lebaron Foundry Co., Brockton, MA 02403, or approved equal product. Manhole frame shall have a clear opening of 24 inches. The surface of the cover shall have the word "SEWER" cast thereon for sanitary sewers. Use of Cast Iron manhole frames and cover are subject to written approval from the Board. Elevations of less than twelve (12) inches above the roadway shall be accomplished with red clay sewer brick and mortar only. Elevations greater than twelve (12) inches shall be made with precast concrete riser rings, designed for that purpose.

(8) Miscellaneous:

a. Joint Sealants:

1. Butyl Rubber Sealant: One (1) inch diameter strips manufactured by Kent Seal, or approved equal.

2. Butyl Rubber Caulking: Conform to AASHTO M-198, Type B.

a. Sewer Manhole Inverts: Provide inverts as specified or as shown. Configuration to be as required by connecting pipes and as shown on Drawings.

b. Flexible Couplings: Use and location shall be approved by the Board.

1. Type A: Dresser Style 53 as manufactured by Dresser, or approved equal.

2. Type B: Neoprene sleeve with stainless steel bands by Fernco, or approved equal.

c. Pipe Supports: Saddle type, steel, painted, adjustable, by ITT Grinnell, or approved equal.

d. Geo-textile Fabric: Mirafit 140N, or approved equal.

e. Force-main Marking Tape: Lineguard III by Tri-Sales, Inc., 2" wide, green; detectable with magnetic locators, or approved equal.

f. Rigid Insulation: Extruded closed-cell rigid foamed polystyrene, 2 inch thickness, width of trench, Styrofoam HI-60, by Dow Chemical, or approved equal.

D. Installation and Construction of Gravity Pipe and Fittings:

(1) General Methods:

a. Install in accordance with manufacturer's recommendations. Use a laser beam or transit for line and grade unless otherwise permitted by the Board. Secure each length of pipe with bedding before placing next length. Plug open ends when work is suspended. Bed pipe as shown on Drawings.

b. Grade and Line:

1. Grade and Line shall be sufficient to provide minimum velocities of 2.0 fps. Lay pipe to line and grade shown on the Drawings as reviewed and approved by the Board. If grade is not shown, determine elevations of start and finish points for each run of pipe. Lay pipe to a uniform grade between these points.

Minimum Pipe Slope

<u>Pipe Diameter</u>	<u>Slope</u>
4-inch	0.008
6-inch	0.005
8-inch	0.004
10-inch	0.0028
12-inch	0.0022
18-inch	0.0012
24-inch	0.0008

(2) Line and grade may be adjusted as approved by the Board, when required by field conditions.

(3) In all cases where slope and size result in average velocities in excess of 10 feet per second or more, provide protection against erosion and shock. When houses are spaced a considerable distance apart, the minimum slope shall be slightly steeper for effective drainage and pipe maintenance.

(4) Depth of Lines. Provide sufficient depth to drain basements in all cases practical. Minimum coverage above the pipe shall be 24 inches below finished grade.

a. Conditions: Lay pipe in the dry. Do not use installed pipe to remove water from work area.

b. Flush and clean all pipe and remove all debris and materials. Flushing and cleaning methods shall be in accordance to Board Standards and approved by the Board. Gravity flushing is not acceptable.

c. Connections to Manholes: Any connections shall be in accordance with Board Standards. Connections to existing structures must not result in additional infiltration. Any joints shall be located within 3 feet of inside surface of manholes and catch basins.

d. House Service Fittings and Lines:

1. The minimum size of sewer service lines 6".

2. Depth and location of service to be determined in field, as approved by the Board.

3. Provide tee/wye or wye fittings on main line pipe. Extend services to a edge of Right-of-Way as determined by the Board.

4. All new building sewer laterals shall be installed with a vertical cleanout riser located at the property line. The cleanout riser shall be of six (6") inch minimum diameter.

5. Provide clean outs as required.

6. Plug, or cap, and stake ends of new service. Provide stake that extends from plug or cap to 1 foot above ground surface. Provide the Board with measurements of pipe installed and in obtaining swing ties to ends of leads.

7. All service connections must be shown on as-built drawings.

8. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board to meet all requirements of this Regulation.

E. Grinder Pumps

(1) In cases where the existing sewer will not drain by gravity to the sewerage system, a pump system shall be employed.

(2) Any backup into the building will be the sole responsibility of the Property Owner. The Town is not liable or responsible in any way for damage due to the sewage backups served by grinder/ejector pumps or the force main line itself.

(3) The operation, maintenance, repair and replacement of the pump and appurtenances shall be the sole responsibility of the homeowner.

F. Installation of Forcemains and Pressure Pipe:

(1) Grade and Line: Lay pipe to line and grade as approved by the Board. Do not allow positive-negative grade discontinuities.

(2) Install warning tape continuously from the pump stations to the end of each force main. At ends of rolls and repairs, splice tape with 3-foot overlap connected with duct tape. Extend to grade of each manhole.

(3) Thrust Protection: Provide thrust protection at all bends in force-mains in accordance with Standards and as approved by the Board.

G. Utilities to be Abandoned:

Close open ends of abandoned underground utilities that are not indicated to be removed. Provide sufficiently strong water tight closures, such as rubber caps with sufficient strength to with stand hydrostatic or earth pressure that may result after ends of abandoned utilities have been closed. CONTRACTOR may remove abandoned utilities with written permission of the Board or Town.

H. Insulation:

(1) Install as shown on approved Drawings.

(2) Provide 2-inch minimum thickness for sewer, force-main, and water main, compacted sand layers directly above and below insulation.

I. Testing of Sanitary Sewers:

(1) General: Test all sanitary sewer pipes after backfilling. Install all house service leads on main line before testing. Perform tests in presence of the Board. A maximum of 1000 feet of pipe may be installed but not tested at any time.

2. Gravity Sewer Leakage Tests: Use low pressure air test as follows:

- a. Plug ends of section to be tested.
- b. Supply air slowly to the pipe to be tested until the air pressure inside the pipe is 4.0 psi greater than the average back pressure of any groundwater submerging the pipe.
- c. Disconnect air supply and allow a minimum of two minutes for stabilization of pressure.
- d. Following stabilization period measure drop in pressure over the test period within the following times:

<u>Nominal Pipe Size (in.)</u>	<u>Test Period (min.)</u>
4	4
6	4
8	6
10	6
12	7
15	8
18	9
21	11
24	13

- e. Acceptable drop: No more than 1.0 psi.

(3) Force-main and Pressure Sewer Tests: Use hydrostatic test as follows:

- a. Fill section of pipe with water and expel all air.
- b. Pressurize to 1.5 times the normal operating pressure but not less than 60 psi.
- c. Measure leakage over a 2-hour test period.
- d. Acceptable leakage: Less than 10 gallons per day per inch diameter per mile of pipe tested.

(4) Deflection Test for PVC Gravity Sewer Pipe: Test 100% of pipe with mandrel "GO-NO-GO" gauge allowing maximum deflection per ASTM D3034.

(5) TV Inspection: All sewers and drains shall be inspected by an approved CONTRACTOR using TV pipe inspection. Defects in materials and/or workmanship found during the inspection shall be corrected by the CONTRACTOR.

(6) Repair and/or replace all pipes not passing tests, using materials and methods approved by the Board, and retest.

J. Installation of Manholes/Precast Structures:

1. Placement: Place precast bases and structures on compacted bedding material so bottom of structure is plumb and pipe inverts are at proper elevations. Place manhole barrel and top sections in the appropriate height combinations. Plug all lifting holes inside and out with non-shrink grout. Construct manhole inverts in accordance with specifications.

2. Joints: Follow manufacturer's instructions for sealing joints between precast sections. Provide two rings of 1 inch diameter butyl rubber sealant. Point joints inside and out with butyl caulk.

3. Frame and Covers:

- a. Set to final grade as shown on the Drawings and as specified. Provide adequate temporary covers to prevent accidental entry until final placement of frame and cover is made.
 - b. Use two rings of 1inch diameter butyl rubber sealant between frame and rubber riser. Provide downward force to frame so as to compress the joint, provide a watertight seal, and prevent future settlement. Point compressed joint with butyl rubber caulk sealant.
 - c. Set manhole frames and covers to final grade only after pavement base course has been applied, or after final grading of gravel roads.
4. Inverts: As specified.
5. Steps: Manhole steps are prohibited.

K. Leakage Testing - Manholes:

(1) General: Tests must be observed by the Board. Manholes must be complete, including backfill, for final test acceptance except for shelf and invert. Plug all pipes and other openings in the manhole walls prior to test.

(2) Exfiltration Test:

- a. Plug pipes into and out of MH and secure plugs.
- b. Lower groundwater table (GWT) to below MH. Maintain GWT at this level throughout test.
- c. Provide means of determining GWT level at any time throughout test.
- d. Fill MH with water to top of cone.
- e. Allow a period of time for absorption (determined by CONTRACTOR).
- f. Refill to top of cone.
- g. Determine volume of leakage in an 8 hour (min) test period and calculate rate.
- h. Acceptable leakage rate: Not more than 1 gallon per vertical foot per 24 hours.

L. The Board reserves the right to require an infiltration test if the Board is not satisfied with the exfiltration test.

(3) Vacuum Test:

- a. Manholes may be vacuum tested in lieu of the exfiltration test. The vacuum tests must be performed prior to backfilling the manhole, filling joints, and constructing them a manhole inverts and benches. All pipe connections shall be made prior to the test.
- b. Plug pipe openings and securely brace the plugs and pipe.
- c. Set the tester onto the top section of them a manhole and inflate the compression band to effect a seal between the structure and the vacuum base.
- d. Connect the vacuum pump to the outlet port, open the valve, start the motor and draw a vacuum of 10" mercury.
- e. Close the valve and monitor the vacuum gauge.
- f. The test shall pass if the vacuum holds at 10" mercury or drops no lower than 9" within the following times:

Depth of Manhole (feet) Time(min.)

0 - 10	3.0
10 - 15	3.5
15 - 20	4.0
20 - 25	4.5
>25	5.0

g. If the vacuum drops in excess of the prescribed rate, the CONTRACTOR shall locate the leak, make proper repairs, and retest the manhole.

h. If the unit fails the test after repair, the unit shall be water exfiltration tested.

M. Manholes Repairs:

(1) Determine causes of all leaks and repair them. Perform earthwork required if manhole has been backfilled.

(2) Perform repairs using methods and materials approved by the Board. Remove and replace or reconstruct manhole if necessary. Remove and replace defective sections if required by the Board.

N. Trenching and Backfill:

(1) The pipe shall be laid as shown in the Typical Sewer Main and Service Detail drawing.

(2) Pipe laying shall proceed upgrade with the spigot ends pointing in the direction of the flow.

(3) Bedding shall consist of 3/4 inch stone placed to a depth of at least 6 inches below the bottom of the pipe and to the springline.

(4) Filtration fabric shall be placed to cover the stone and pipe to separate the sand blanket from the stone.

(5) The pipe shall be covered with a blanket of sand to 12 inches over the crown of the pipe with sand that is free of organic materials and stones.

(6) Backfill material for installation in roads, shoulders and traveled ways shall be natural material excavated from the trench during construction excluding debris, pieces of pavement, organic matter, top soil, all wet or soft muck, peat, clay and stones greater than 12 inches in diameter. Suitable backfill material is added in 12 inch lifts, compacting each lift to maximum density with an approved vibratory roller or compactor.

(7) Controlled Density Fill. Shall be a mixture of Portland cement, fly ash aggregates, water and admixtures proportioned to provide a non-segregation, self consolidating, free flowing and excavatable material that will result in hardened, dense non-settling fill. CDF is approved as an alternative to Crushed gravel and may be used in any location on the project as an option to the Contractor for stabilization material.

O. Road and Trench Construction Guidelines

(1) Pavement cuts shall be parallel or perpendicular to the line of the trench. In the case of transverse or diagonal trenching, the pavement shall be saw cut to provide a flat diamond

shaped patch with a two - (2') foot minimum overlap on undisturbed material that will permit only one wheel of a vehicle at a time to strike the patch area. Backfill shall be compacted in maximum one- (1') foot lifts to obtain a minimum of 95% of the optimum density as measured by the modified proctor test. Backfill shall be of approved granular material free of stone larger than six (6) inches in diameter and free of organic material. Materials immediately under pavement (gravels and processed gravels) shall be replaced in kind or to a minimum depth of 12" of crushed gravel meeting Town and MAHD Specifications. Material shall be compacted to a minimum of 95% of the optimum density as measured by the modified proctor test. The Town may require compaction and materials testing of excavation backfill. An independent company approved by the Town at the expense of the Owner, shall perform all materials testing.

(2) Within the sawed limits of the final patch, the existing pavement and any temporary material shall be removed and replaced to an equal depth with a minimum of three (3") inches of hot bituminous pavement (two (2") inches of base and one- (1") inch of wearing course). The bituminous pavement mixture used shall comply with the MAHD Standard Specifications for Road and Bridge Construction, testing and certification of compliance with these standards may be required. Bituminous pavement shall be laid and compacted in a maximum of two- (2") inch thick layers. After compaction the new patch shall match the line and grade of the adjacent roadway exactly. The face of all joints and exposed pavement to be overlaid shall be coated with an approved asphalt emulsion (tack coat).

(3) All disturbed traffic stripping, traffic signage and traffic signal equipment (detector loops, conduit, etc.) shall be replaced with like or better materials.

(4) In other areas, the existing surface shall be restored by placing similar material to a depth equal to that of the existing material prior to excavation. Cross-country trenches are to be compacted in lifts as above. Additional material added to cross-country trenches shall be gravel that shall comply with MAHD Specifications. Any existing grass areas shall be loamed, graded and revegetated. Any asphalt or concrete sidewalks shall have a surface of equal depth, kind and quality placed. Additionally, the work shall conform to instructions issued by the Town for authorized representative

(5) The owner is responsible for any necessary repairs and/or modifications to the road trench patch for the period of one year. Any repairs and/or modifications shall be made at no expense to the Town. Any repairs and/or modifications shall be made to the standards of the Board.

(6) All trench work shall conform to trench safety standards of the Commonwealth of Massachusetts and the Town of Rockland.

2.7 Prohibited Discharge Standards

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be accidentally discharged to the POTW.

A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.

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- B. Additional Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than-5.5 or otherwise causing corrosive structural damage to the POTW or equipment. If continuous pH chart recorder is being used, any occurrence of pH over 10.0 for a period of thirty minutes or more per day is prohibited. At no time shall any discharge cause the influent at the POTW headworks to go above 9.0.
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than 1/2inch (es) (0.5”) or 0.39 centimeter(s) (0.39 cm) in any dimension;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - (5) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, or any other oil in excess of 5 mg/L or in amounts that will cause Interference or Pass Through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the Commission in accordance with Section 3.4 of this ordinance;
 - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant’s effluent, thereby violating the Town’s NPDES permit; Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.
 - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
 - (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Commission;

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- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the Commission in an individual wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxic test;
- (16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
- (17) Waters or wastes containing fats, wax, grease or oils, not specifically prohibited in Section 2.1 (B) (6) in excess of 100 mg/L or containing other substances which may solidify or become viscous between 32 degrees Fahrenheit or 0 degrees Centigrade, and 150 degrees Fahrenheit or 65 degrees Centigrade. Waters or wastes containing such substances, excluding normal household wastes, shall exclude all visible floating oils, fats and greases. The use of chemicals or physical means to bypass or release fats, oils and greases into the POTW is prohibited.
- (18) Hazardous Waste or Wastewater resulting from treatment of hazardous or Toxic wastes, as designated under State and Federal law, and discharged to the POTW by dedicated pipe, truck or rail.
- (19) Septage or septage byproducts from haulers or other dischargers except as specifically approved by the Commission.
- (20) Clean Water Prohibition: No user shall make a connection of clean water (I/I) such as a sump pump, basement drain, foundation drain, yard or area drain, roof downspout, or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Town for purposes of disposal of polluted surface drainage.

2.8 Federal Categorical Pretreatment Standards

The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated into the Regulation.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Board may impose equivalent concentration or mass limitations in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Board shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR

403.15. The USEPA shall be the Control Authority for industrial users subject to categorical pretreatment standards. As the Control Authority, industrial users are responsible to the EPA for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall provide the Town with copies of any reports to, or correspondence with EPA relative to compliance with the categorical pretreatment standards. The industrial user is responsible for determining the applicability of categorical pretreatment standards. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category. The Town shall provide timely notification to appropriate industrial users of applicable categorical pretreatment standards. Upon promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Regulation for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Regulation. Compliance with categorical pretreatment standards shall be achieved within one (1) year of the date such standards are effective, unless a shorter compliance schedule is specified in the standards. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the Town's POTW subsequent to the compliance date of such standards unless an amendment to its Industrial Discharge Permit has been issued by the Town.

2.9 State Pretreatment Standards

Users must comply with State Pretreatment Standards codified at 314 7.00, 12.00 and 12.08.

2.10 Local Discharge Restrictions

All persons discharging industrial process wastes into public or private sewers connected to the Town's POTW shall comply with applicable federal requirements and State standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of this Regulation. Local numerical discharge limitations established by the Town as set forth herein (referred to as "local limits"), and all State pretreatment standards and USEPA categorical pretreatment standards shall apply, whichever is most stringent. In developing the list of pollutants of concern for which local limits are established, the Town has considered the allowable headworks loading at the wastewater treatment facility. Pollutants that exceed fifty percent (50%) of their allowable headworks loading at the wastewater treatment facility are considered to be of concern and have resulted in development of local limits. If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.3, 2.4, and 2.5 of this Regulation, which in the judgment of the Board may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Board may: Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;

Require pretreatment prior to discharge to the POTW (Section 3.0);

Require control (e.g., equalization) over the quantities and rates of discharge; and/or

Require payment to cover additional cost of handling and treating the wastes.

If the Board allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Board and the State (see Section 3).

A. Local Limits. The following numerical pollutant discharge limitations are established to protect against pass-through and interference. No person shall discharge wastewater containing constituents at daily concentrations greater than indicated below:

1.365	mg/l	arsenic
225	mg/l	BOD *
0.043	mg/l	cadmium
3.322	mg/l	chromium
0.793	mg/l	copper
0.444	mg/l	cyanide
2.937	mg/l	lead
0.101	mg/l	mercury
2.231	mg/l	nickel
0.299	mg/l	silver
266	mg/l	total suspended solids *
3.438	mg/l	zinc
100	mg/l	oil & grease (animal or vegetable origin)
85	mg/l	total kjeldahl nitrogen, TKN
10	mg/l	phosphorus

* surchargeable limit

All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Sewer Commission may impose mass limitations in addition to (or in place of) the concentration-based limitations above.

- B. The Commission may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 2.1. The Board shall calculate and administer daily concentration limits (i.e., local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedences of these limitations. For industrial discharge applications, the local limits [presented above] shall apply at the end of the process train prior to dilution with non-industrial wastewaters. Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow composited sample (or other sampling procedure approved by the Board) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours. All concentration limits for metals represent a total metal unless indicated otherwise. The Board may impose mass limitations in addition to, or in accordance with Section 2.8, in place of the concentration-based limitations. Local limits are developed based on the identification of industrial users known to be discharging each pollutant (industrial contributory flow procedure). Unless specifically identified in an industrial discharge permit, an industrial user shall not discharge the locally limited pollutants at concentrations 20 percent greater than the background concentrations used for local limits development.
- C. Pollution Prevention Action. Pollutants for which pollution prevention efforts are required of all significant industrial users and other industrial and non-industrial users at the discretion of the Board include:

Endocrine disrupting chemicals, which are found in pharmaceuticals, pesticides, plastics, personal care products and many industrial byproducts. Failure to control these pollutants through pollution prevention activities will result in development and application of a local limit when a pollutant loading to the POTW exceeds fifty percent (50%) of the allowable headworks loading.

2.11 Town's Right of Revision

The Commission reserves the right to establish, by ordinance or in individual wastewater discharge permits more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.12 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Commission may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3—PRETREATMENT OF WASTEWATER**3.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.6 of this ordinance within the time limitations specified by EPA, the State, or the Commission, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Commission for review, and shall be acceptable to the Commission before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Commission may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- B. The Commission may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commission, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Commission, and shall be so located to be easily accessible for cleaning and inspection at the Users expense.
- D. Grease, oil and/or sand traps/interceptors -shall be provided in all garages, filling stations, restaurants, cleaning establishments and wizen, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease or floatable oil in excessive amounts or any flammable wastes, sand or other harmful ingredients that are discharged from floor drains, sinks or other plumbing fixtures into the treatment works.
- E. All traps/interceptors shall be of a type and capacity approved by the Board and shall be located as to be readily and easily accessible for cleaning and inspection.
- F. Grease and oil traps/interceptors shall be constructed and installed in accordance with all applicable Federal, State and Local regulations, including but not limited to Title V of the State Sanitary Code, the Massachusetts Plumbing Code, and the Plumbing and Drainage Institute (PDI) Specification G-101. Both shall be made of impervious materials capable of withstanding abrupt and extreme changes in temperature. Grease and oil traps/interceptors shall be equipped with an aerated flow control device which promotes the removal of grease/oil and reduces wastewater velocities due to flow surges. Exterior grease, oil, and sand traps/interceptors shall have a minimum of a one thousand (1,000) gallons capacity. Interior grease, oil, and sand traps/interceptors shall be sized according, to

flow capacity. All traps shall be of substantial construction, water tight, and equipped with easily removable covers which when bolted into place shall be gaslight and watertight. It is prohibited to add any surfactants, enzyme; bacteriological cultures, dispersants, or cleaning agents to plumbing lines that cause or contribute to the pass-through of oils and greases or inhibit or interfere with the proper operation of a grease trap. Deviations from the above descriptions shall require written approval from the Board.

- F. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- G. At no time shall two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than ten percent (10%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

The Commission shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Commission may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Commission may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Commission of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Pollution Prevention Plans

The Commission may require any person discharging wastes into the POTW to develop and implement, at that persons own expense, a pollution prevention plan. The Commission may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. **Management Support.** For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of wastestreams, and procedures for employee training and involvement.

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- B. **Process Characterization.** A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
 - C. **Waste Assessment.** Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
 - D. **Analysis of Waste Management Economics.** Waste management economic returns shall be determined based on the consideration of:
 - 1. Reduced raw material purchases;
 - 2. Avoidance of waste treatment, monitoring and disposal costs;
 - 3. Reductions in operations and maintenance expenses;
 - 4. Elimination of permitting fees and compliance costs; and
 - 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
 - E. **Development of Pollution Prevention Alternatives.** Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should be solicited and exchanged, both from inside the organization and out.
 - F. **Evaluation and Implementation.** Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness. The review and approval of such pollution prevention plans by the Town shall in no way relieve the user from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the Town in accordance with the provisions of this Ordinance.

3.5 Vandalism

No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 10 through 12 of this ordinance.

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS**4.1 Wastewater Analysis**

When requested by the Commission, a User must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Commission is authorized to prepare a form for this purpose and may periodically require Users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of the ordinance.

4.2 Individual Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Commission, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The Commission may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Commission for an individual wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Commission.

4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit in accordance with Section 4.5 of this ordinance must be filed at least 90 days prior to the date upon which any discharge will begin or recommence. All proposed new connections to the POTW must comply with the Massachusetts Sewer System Extension and Connection Permit Program regulations cited in 314 CMR 7.00.

4.5 Wastewater Discharge Permitting: Extrajurisdictional Users

Any existing user located beyond the Town limits required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application, in accordance with Section 4.6 of this ordinance, within ninety (90) days of the effective date of this ordinance. New users located beyond

the Town limits required to obtain a wastewater discharge permit shall submit such applications to the Commission ninety (90) days prior to any proposed discharge into the POTW.

4.6 Individual Wastewater Discharge Permit Application Contents

- A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Commission may require Users to submit all or some of the following information as part of a permit application:
1. Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Description of Operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 4. Time and duration of discharges;
 5. The location for monitoring all wastes covered by the permit;
 6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).
 7. Measurement of Pollutants.
 - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by The Commission, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

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- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Commission or the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
- 8. Any other information as may be deemed necessary by the Commission to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.7 Application Signatories and Certifications

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the following certification statement:

“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 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 possibility of fine and imprisonment for knowing violations.”
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to The Commission prior to or together with any reports to be signed by an Authorized Representative.

4.8 Individual Wastewater Discharge Permit Decisions

The Commission will evaluate the data furnished by the user and may require additional information. Within a specified time from the receipt of a complete wastewater discharge permit application, the Commission will determine whether or not to issue a wastewater discharge permit. The Commission may deny any application for a wastewater discharge permit.

4.9 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Commission, and at such times as are established by the Commission. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the Town. The Commission may require septic tank waste haulers to obtain individual wastewater discharge permits.
- B. The Commission may require haulers of industrial waste to obtain individual wastewater discharge permits. The Commission may require generators of hauled industrial waste to obtain individual

- wastewater discharge permit. The Commission also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- C. Industrial waste haulers may discharge loads only at locations designated by the Commission. No load may be discharged without prior consent of the Commission. The Commission may collect samples of each hauled load to ensure compliance with applicable Standards. The Commission may require the industrial waste hauler to add chemicals to any load and to provide a waste analysis of any load prior to discharge.
 - D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
 - E. No person shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any Septage, septage byproducts, commercial or industrial wastes which originates outside the limits of the POTW's jurisdiction, except with the specific written approval of the Commission.
 - F. No person shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any septage which includes any Industrial Waste.
 - G. Fees for dumping hauled wastes will be established as part of the user fee system as authorized in Section 15 of this ordinance.

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE**5.1 Individual Wastewater Discharge Permit Duration**

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed two (2) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than two (2) years, at the discretion of the Commission. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Commission to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the Town in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.
6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
7. Requirements to control Slug Discharge, if determined by the Commission to be necessary.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

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

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit.
8. Other conditions as deemed appropriate by the Commission to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Permit Issuance Process

- A. Permit Appeals. The Commission shall provide public notice of the issuance of an individual wastewater discharge permit. Any person, including the User, may petition the Commission to reconsider the terms of an individual wastewater discharge permit within 30 days of notice of its issuance.
 1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 2. In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.

The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

1. If the Commission fails to act within 90 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing an action in the Brockton Division of the

Plymouth County Superior Court within thirty (30) days after receipt of notice of the final decision of the Commission. All actions for judicial review shall be governed by the provisions of M.G.L. c. 30A, §14.

5.4 Permit Modification

- A. The Commission may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 4. Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters
 5. Violation of any terms or conditions of the individual wastewater discharge permit;
 6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 8. To correct typographical or other errors in the individual wastewater discharge permit; or
 9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.5 Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to the Commission and the Commission approves the individual wastewater discharge permit transfer. The notice to the Commission must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

5.6 Individual Wastewater Discharge Permit Revocation

The Commission may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Commission of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Commission of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Commission timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

5.7 Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of 90 days prior to the expiration of the User's existing individual wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Commission shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Commission shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the Commission may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
 - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Town's ordinance or Local Limits;
 - 2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
 - 3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Commission; and which of these activities will be conducted jointly by the contributing municipality and the Commission;
 - 4. A requirement for the contributing municipality to provide the Commission with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - 5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - 6. Requirements for monitoring the contributing municipality's discharge;
 - 7. A provision ensuring the Commission access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Commission; and

8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

SECTION 6—REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Commission a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Commission a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Decision of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 5. Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the Town) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance.
 - (c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
 6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this ordinance.
8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.7 of this ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Commission no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and ,
- D. In no event shall more than nine (9) months elapse between such progress reports to the Commission.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to The Commission a report containing the information described in Section 4.5A (6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 , this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

- A. All significant industrial user(s) shall, at a frequency determined by the Commission but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Commission or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 4.7 of this ordinance.

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

- B. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each User must notify the Commission of any significant changes to the User's operations or system, which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

- A. The Commission may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The Commission may issue an individual wastewater discharge permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.
- C. No user shall implement the planned changed condition(s) until and unless the Commissioner has responded to the user's notice.
- D. For the purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non routine, episodic nature, a non customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Commission of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

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- B. Within five (5) days following such discharge, the User shall, unless waived by the Commission, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability, which may be imposed pursuant to this ordinance.
 - C. Failure to notify the Town of potential problem discharges shall be deemed a violation of this ordinance.
 - D. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
 - E. Significant Industrial Users are required to notify the Commission immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Commission as the Commission may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Commission within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Commission within thirty (30) days after becoming aware of the violation.

6.9 Notification of the Discharge of Hazardous Waste

The discharge of hazardous waste to the POTW is prohibited.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Commission or other parties approved by EPA. Except where the Commission has approved a certified QAQC program, all analyses must be performed by a Massachusetts DEP certified lab.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Commission. Where time-proportional composite sampling or grab sampling is authorized by the Commission, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composite prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composite in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. The Commission, as appropriate, as documented in approved EPA methodologies may authorize composite samples for other parameters unaffected by the compositing procedures. In addition, grab samples may be required to show compliance with Instantaneous Limits-
- B. Samples for oil and grease, temperature, fats, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, The Commission may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Commission, or where the Commission has specifically notified the User of a longer retention period.

6.14 Certification Statements

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5). Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 Users submitting periodic compliance reports required by Section 6.4 A–D and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

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.

SECTION 7—COMPLIANCE MONITORING

7.1 Power and Authority of Inspectors

- A. The Board and other duly authorized employees of the Town bearing proper credentials identification shall be permitted to enter all properties at all times and without unreasonable delay for the purposes of inspection, observation, measurement, sampling, reviewing and copying records, reviewing procedures and testing in accordance with the provisions of these Regulations. These provisions shall be liberally construed to permit an inspector to evaluate compliance with these Regulations.
- B. While performing the necessary work on private properties, inspectors shall observe all safety policies applicable of the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damages to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- C. Inspectors shall observe all policies applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damages to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- D. The Board or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the sewerage system.
- E. The Board and other duly authorized employees of the Town being proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance of any portion of the sewerage works lying within said property.
- F. Where Abington wastewaters are to be treated at the POTW, the Town of Rockland shall have joint authority at all times and without unreasonable delay to enter all business/commercial and industrial properties, for the purpose of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works within said property, including reviewing and copying record, reviewing procedures, and testing in accordance with provisions of this Ordinance.

7.2 Right of Entry: Inspection and Sampling

The Commission shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit

or order issued hereunder. Users shall allow the Commission ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force, which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Commission shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Commission shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Commission may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Commission and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the Commission access to the User's premises shall be a violation of this ordinance.

7.3 Right of Access

If the Commission has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Commission designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Commission may seek issuance of a search warrant from the Plymouth District Court or any other magistrate authorized to issue said warrant.

SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from Commission's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Commission, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Commission shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users, which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable, Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that The Commission determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Commission's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Commission determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES**10.1 Notification of Violation**

- A. When the Superintendent finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a Notice of Violation. This Notice of Violation may be verbal or in written form. If so required, within fourteen (14) days of the receipt of this notice, or by the response date cited on this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Town to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- B. Any user found to have a source of clean water (I/I) such as a sump pump, basement drain, foundation drain, yard or area drain, roof downspout or other source of surface runoff or groundwater or other source connected to the building sewer, shall be served by the Town with a written Notice of Violation stating the nature of the violation and providing a reasonable time limit for the satisfactory correction (removal) thereof. The offender shall, within the period of time stated in such Notice, permanently cease and correct all violations.

10.2 Consent Orders

The Commission may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Commission may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Commission and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 7 3 days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the Commission finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Commission may issue an order to the User responsible

for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the Commission finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Commission may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

- A. When the Commission finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Commission may fine such user in an amount not to exceed five thousand (\$5000) dollars per day. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Any user found to have failed to permanently remove a connection of clean water (I/I) such as a sump pump, basement drain, foundation drain, yard or area drain, roof downspout or other source of surface runoff or groundwater from the building sewer within the period of time stated in the Notice of Violation, whether intentionally, unintentionally or accidentally, shall be assessed a penalty of \$50/month of violation until the connection is permanently removed and the clean water is redirected to a legal discharge location and the redirection is confirmed by the Town. The monthly fines will be added to the quarterly water and sewer bills and will be payable upon receipt. The Town may also assess additional fines.
- C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of fifteen percent (15%) per year, compounded monthly on the unpaid balance, computed as of the due date. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

- D. Users desiring to dispute such fines must file a written request for the Commission to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Commission shall convene a hearing on the matter within thirty (30) days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Town may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.7 Emergency Suspensions

The Commission may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Commission may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Commission may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Commission may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Commission that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Commission prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Commission shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Commission finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Commission may petition the Plymouth County Superior Court through the Town's Attorney for the issuance of a temporary or permanent injunction, or any other equitable remedy as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Commission may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to The Commission for a maximum civil penalty of \$5000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Commission may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than (\$ 5,000) per violation, per day.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be subject to the maximum allowable penalty under State law and/or be subject to imprisonment. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$5,000.

11.4 Remedies Nonexclusive

The provisions in Sections 9 through 12 of this ordinance are not exclusive remedies. The Town reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town reserves the right to take other action against any user when the circumstances warrant. Further, the Town is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION**12.1 Penalties for Late Reports**

A penalty of \$1000.00 per day shall be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the Commission to collect late reporting penalties shall not limit the Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 Performance Bonds

The Commission may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the Commission, in a sum not to exceed a value determined by the Commission to be necessary to achieve consistent compliance.

12.3 Liability Insurance

The Commission may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.4 Payment of Outstanding Fees and Penalties

The Commission may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

12.5 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12.6 Public Nuisances

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Commission. Any person(s) creating a public nuisance shall be subject to the provisions of the Town Code governing such nuisances, including reimbursing the Town for any costs incurred in removing, abating, or remedying said nuisance.

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**13.1 Upset**

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and the User can identify the cause(s) of the upset;
 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The User has submitted the following information to the Commission within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment 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.

13.2 Prohibited Discharge Standards

- A. User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(3) through 18 of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:
 - B. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
 - C. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

- A. For the purposes of this Section,
 - 1. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C. Bypass Notifications
 - 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Commission, at least ten (10) days before the date of the bypass, if possible.
 - 2. A User shall submit oral notice to the Commission of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the 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 reoccurrence of the bypass. The Commission may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

1. Bypass is prohibited, and the Commission may take an enforcement action against a User for a bypass, unless
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The User submitted notices as required under paragraph (C) of this section.
2. The Commission may approve an anticipated bypass, after considering its adverse effects, if the Commission determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

SECTION 14—WASTEWATER TREATMENT RATES – See Town’s Rate Sheet

SECTION 15—MISCELLANEOUS PROVISIONS**15.1 Pretreatment Charges and Fees**

The Town may adopt reasonable fees for reimbursement of costs of setting up and operating the Town's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- D. Fees for reviewing and responding to accidental discharge procedures and construction;
- E. Fees for filing appeals;
- F. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and
- G. Other fees as the Town may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Town.

15.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 16—EFFECTIVE DATE

- A. This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.
- B. Any Rules and regulations consistent with this Ordinance may be adopted and/or amended by the Board in conformance with Section 10 Chapter 83 of the General Laws of the Commonwealth of Massachusetts.
- C. Revised, passed and adopted at a duly authorized meeting of the Board of Sewer Commissioners, of the Town of Rockland, State of Massachusetts held on the 10th day of February 2011.

**BOARD OF SEWER COMMISSIONERS
ROCKLAND, MASSACHUSETTS**

Walter Simmons

William E. Stewart

Ronald Savicke

TOWN MEETING ADOPTION_____