

**TOWN OF BELLINGHAM
MASSACHUSETTS**

SEWER USE REGULATIONS

PARTS I, II, & III

TOWN OF BELLINGHAM

SEWER USE REGULATIONS

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TOWN OF BELLINGHAM SEWER

USE REGULATIONS

INTRODUCTION

Being that the sewer system of the Town of Bellingham contributes to and discharges through two separate treatment facilities in two different states, and being that the regulations for each treatment facility and state may differ, and being that the Town of Bellingham has agreed to accept similar regulation as apply to other users of each of these two individual treatment facility, these regulations are divided into three parts. All sewer users that contribute to and discharge through the City of Woonsocket Wastewater Treatment Plant are governed by Part I of these regulations. All sewer users that contribute to and discharge through the Charles River Pollution Control District Treatment Facility are governed by Part II of (these regulations. All sewer users that contribute to and discharge into any sewer pipe owned by the Town of Bellingham are governed by Part III in addition to any other previously specified part.

The Board of Water & Sewer Commissioners will have power to accept or reject plans for extension or changes to the sewer system and will by such power act only for the good of the Town as a whole in allowing such additions or changes to the Town's sewer system. Said Board will have control of determining which of the two facilities for wastewater treatment the changes or additions will contribute to or discharge through.

The Board of Water & Sewer Commissioners will apply all fees and charges for such changes or additions to the sewer system as described in the Bellingham Sewer Betterment Regulation, and all user charges, fines, and penalties as described in these regulations.

PART I: WOONSOCKET WASTEWATER FACILITY WATER, SEWERS, SEWAGE DISPOSAL.

SEC. I. Use of the public sewers.

(a) Prohibited water discharges. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, unpolluted cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Prohibited discharges to a public sewers. The following substances shall be prohibited from discharges to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, whether natural or synthetic.
- (2) Any waters containing toxic or poisonous solids, liquid or gases in sufficient quantity as determined by the director, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant or collection system.
- (3) Any waters or wastes having a PH lower than 5.0 S.U. or higher than 11.0 S.U., or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works, as determined by the director.
- (4) Solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, bones, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders, or as determined by the director and/or RIDEM.

(c) Limited discharge to public sewers. The following described substances, materials, waters or waste shall be limited in discharged to municipal systems to concentrations or quantities approved by the director which will not harm either the sewers, wastewater treatment process or equipment, will not have an advance effect on the receiving stream, or

will not otherwise endanger lives, limb, public property, or constitute a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the director are as follows:

- (1) Wastewater having a BOD in excess of two hundred fifty (250) milligrams per liter, suspended solids in excess of three hundred (300) milligrams per liter, COD in excess of seven hundred fifty (750) milligrams per liter, and /or having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
- (2) Wastewater containing more than one hundred (100) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
- (3) Wastewater containing floatable oils, fats, grease or detergents.
- (4) Any garbage that has not been properly shredded. Garbage grinders maybe connected to sanitary sewers from establishments where garbage originates from the preparation of food.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable heavy metals or toxic substances to such degree that any such material received in the composite wastewater at the waste water treatment works exceeds the limits established by the director, the Rhode Island Department of Environmental Management, the U.S. Environmental Agency, or the Massachusetts Department of Environmental Protection for such materials.
- (6) Any waters or waste containing odor-producing substances exceeding limits which maybe established by the director, the Rhode Island Department of Environmental Management, the U.S. Environmental Protection Agency, or the Massachusetts Department Environmental Protection.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director, the Rhode Island Department of Environmental Management, the U.S. Environmental Agency, or the Massachusetts Department of Environmental protection.

- (8) Quantities of flow, concentrations, or both, which constitute a "slug".
- (9) Waters or wastes containing substances as determined by the commission which are not amenable to treatment or reduction by the biological waste water treatment processes employed, or are amenable to treatment only to such degree that the waste water treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) Any water or wastes which, by interaction with other water or wastes, in the public sewer system release obnoxious gases, from suspended solids which interfere with the collection system, or create a condition physically deleterious to structures and treatment processes as determined by the director or Rhode Island Department of Environmental Management.

(d) Pre-treatment and use of facilities.

(d)1. General provisions.

Applicability. This article shall apply to all non-domestic users of the Town of Bellingham and City of Woonsocket wastewater Facility's publicly owned treatment works (the "POTW" or "facility") which discharge directly or indirectly into the POTW's sanitary sewer system. In addition, it shall be unlawful for any non-domestic user located outside the City of Woonsocket, Rhode Island, to continue discharges to the POTW except as provided in subsection.

(d)1.2 Definitions. Unless the context specifically indicates otherwise, the following terms and phrases shall have the meanings hereinafter designated.

Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Approval authority: as used in this ordinance shall mean the Rhode Island Department of Environmental Management.

Authorized representative of industrial user: An authorized representative of an industrial user maybe:

- a. a principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- b. a general partner or proprietor if the industrial

- user is a partnership or proprietorship, respectively;
- c. a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Categorical standards: National Categorical Pre-treatment Standards or pre-treatment standards.

City: The City of Woonsocket, Rhode Island.

Commission: The Water and Sewer Commission of the Town of Bellingham, or any agent or officer duly authorized to act in its place.

Direct discharge: The discharge of treated or untreated wastewater into the City of Woonsocket wastewater treatment facility.

Director or director of public works: The director of the department of public works for the City of Woonsocket, or his designee.

Environmental Protection Agency or EPA: The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Facility or facilities: See "Publicly Owned Treatment Works (POTW)."

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

Holding tank waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge: The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 U.S.C. 1317), into the facility (including holding tank waste discharged in the facility).

Industrial user (IU) or user: A source of non-domestic waste. Any non-domestic source discharging pollutants to a POTW.

Interference: A discharge which, alone or in

conjunction with a discharge or discharges from other sources, both:

- a. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use, or disposal; and
- b. Therefore is a cause of a violation of any requirement of the POTW'S RIPDES 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 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 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 (40 CFR 403.8).

Municipality or Municipalities: The Town of Bellingham, Massachusetts, and/or the City of Woonsocket, Rhode Island.

National Categorical Pre-treatment Standard or pre-treatment standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 13471) which applies to a specific category of industrial users.

National Pollution Discharge Elimination System (NPDES) Permit or Rhode Island Pollution Discharge Elimination System (RIPDES) Permit: A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342) by the E.P.A. or the state. The terms maybe used interchangeably in this article.

Non-domestic user: Any person who discharges, causes, or permits the discharge of waste water from any facility other than a residential unit.

Operator: The person responsible for the overall operation of a facility.

Owner: The person who owns a facility or part of a facility.

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 RIPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3 (n)).

Person: Any individual, association, partnership, corporation, municipality, state federal agency or any agent or employee thereof.

Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pre-treatment or treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste water to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants in the facility. The reduction or alteration can be obtained by physical, chemical or biological, for process changes or other means, except as prohibited by 40 CFR section 403.6(d).

Pre-treatment coordinator: The coordinator of the industrial pre-treatment program for the City of Woonsocket, Rhode Island or his designee.

Pre-treatment requirement: Any substantive or procedural requirement related to pre-treatment, other than a National Pre-treatment Standard imposed on an industrial user.

Publicly owned treatment works (POTW): The facilities defined by section 212 of the Act (33 U.S.C. 1292) owned by the City and the Town, including any sewers that convey waste water to the facility and includes any sewers that convey waste water to the facility from persons outside the city who are by contract or agreement with the city or town users of the facility.

POTW treatment plant: That portion of the Woonsocket POTW designed to provide treatment to waste water.

Significant industrial user (SIU):

- a. All dischargers subject to categorical pre-treatment standards under 40 CFR chapter i, subchapter N; and
- b. All non-categorical dischargers that, in the opinion of the Municipality, have a reasonable potential to adversely affect the POTW's operation, or that contribute a process waste stream which

makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or that discharge an average of twenty-five thousand (25,000) gallons per day or more of process waste water to the POTW. However, the Municipality need not designate as significant any non-categorical industrial user that, in the opinion of the Municipality and with the agreement of the approval authority, has no potential for adversely affecting the POTW's operation or for violating any pre-treatment standard or requirement. Any non-categorical industrial user designated as significant may petition the Municipality to be deleted from the list of significant industrial users on the grounds that it has no potential for adversely affecting the POTW's operation or violating any pre-treatment standard or requirement.

Standard Industrial Classification (SIC): A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of the Management and Budget, 1972.

Superintendent: The Superintendent of the Water and Sewer department of the Town of Bellingham or his authorized deputy, agent or representative.

Town: The Town of Bellingham, Massachusetts or any duly authorized officer, agent or representative of the Town of Bellingham.

Toxic or priority pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.

User: Any person who contributes, causes or permits the contribution of waste water into the facility.

Waste water discharge permit: A document issued by the Municipality as set forth in these rules and regulations.

(d)1.3 Abbreviations: The following abbreviations shall have the designated meanings:

ASTM - American Society for Testing & Materials
BOD - Biochemical oxygen demand
CFR - Code of Federal Regulations
CWA - Clean Water Act
COD - Chemical oxygen demand

EPA - Environmental Protection Agency
l - Liter
mg - Milligram
mg/l - Milligrams per liter
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly owned treatment works
SIC - Standard Industrial Classification
SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
USC - United States Code
TSS - Total suspended solids
WPCF - Water Pollution Control Federation

(d)2. Pre-treatment questionnaire.

(d)2.1. Industrial user pre-treatment questionnaire.

All industrial users, including significant industrial users and metered industrial users discharging waste water, industrial wastes, water or other liquid into the Municipalities facility, shall be required to file with the Municipalities an industrial user pre-treatment questionnaire on a form furnished by the City.

All persons required to pre-treat waste water in accordance with these rules and regulations shall complete an industrial user pre-treatment questionnaire and provide any monitoring reports required by the EPA, certified by an authorized representative of the user, indicating whether or not applicable pre-treatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pre-treatment is required for the user to meet applicable pre-treatment standards and requirements. If additional pre-treatment and/or operation and maintenance will be required to meet the pre-treatment standards, a schedule shall be developed by the user, with the approval of the City, to indicate when the user will provide such additional pre-treatment. The completion date in the schedule shall not be later than the compliance date established for the applicable pre-treatment standards.

(d)2.2 Questionnaire verification. When in the judgment of the City, verification of data reported on the industrial user pre-treatment questionnaire and/or any monitoring reports required by the Environmental Protection Agency, the Rhode Island Department of Environmental Management, the City and/or the Town is desirable, waste water discharges from an industry maybe sampled by the City. Waste water samples maybe collected by the City on a periodic or continuous basis as required to verify reported data. The analytical information obtained from such sampling, if substantially different from reported data, maybe used in lieu of the information reported by the user. If deemed necessary, an extended, comprehensive sampling program MAY BE conducted after notice to the user by the City

to obtain additional waste-water data necessary for verification of reported data. The analytical results obtained from said program maybe also be used in lieu of reported values for each waste water discharge. If comprehensive sampling program is deemed necessary, all equipment installation, sampling and analysis costs shall be borne by the user in accordance with a preset fee schedule. The hours of operation of any gauging or sampling station shall be the time required, as approved by the City, to obtain representative samples of the effluent discharged and to conduct necessary analytical examination of the samples collected.

(d)2.3 **Provision for monitoring.** All significant industrial users shall provide a suitable manhole or other appurtenance in the building sewer or other suitable location to facilitate observation, sampling and measurement of all of the wastes discharged from the users premises or regulated processes. Such sampling or metering points shall be accessible and safely located and shall be designed and constructed in a manner approved by the City. The sampling and metering points shall be provided and maintained by the user at his expense and shall be safe and accessible at all times.

(d)2.4 **Right of monitoring.** Any duly authorized employee or representative of the City shall have the right, upon presentation of proper credentials, to enter appropriate areas of any industrial user's property, without prior notice, for the purpose of installing, inspecting, observing and/or operating any and all devices necessary to conduct a gauging and/or sampling operation for determining the user's compliance with the provisions of these rules and regulations. While performing the work, the employee or representative of the City shall be accompanied by a user representative who shall assure that all applicable safety rules are being observed by the employee or representative of the City.

(d)2.5 **Applicable charges and fees:** The applicable charges or fees to provide for the recovery of costs associated with implementation and enforcement of these regulations shall be set forth in the City policy concerning pre-treatment charges and fees. These fees shall be in addition to charges for normal use of the facility and shall be established from time to time by the director.

(d)3. Industrial waste water discharge permits.

(d)3.1 **Permit requirements.** All non-domestic users must notify the pre-treatment coordinator of the nature and characteristics of their waste water prior to commencing

their discharge in accordance with requirements of the pre-treatment coordinator. Federal categorical users maybe subject to specific requirements imposed in 40 CFR 403.12. The pre-treatment coordinator is authorized to prepare a form for this purpose.

In addition to the user charge classification authorized by Part III, the Municipalities shall classify industrial wastes into ten (10) categories according to the nature of their wastes, as follows:

Category description:

- Category 1.** Industries subject to Federal EPA Category Standards.
- Category 2.** Industries discharging toxic substances /prohibited pollutants, but who are not subject to Federal EPA Categorical Standards.
- Category 3.** Industries discharging or having the potential to discharge conventional (BOD,TSS,pH, oil and grease, fecal coliforms) pollutant loads in sufficient quantities to cause violation of RIPDES permit limits.
- Category 4.** Industries with sanitary or nontoxic discharges using solvents, toxic and/or hazardous chemicals that could potentially be discharged to the sewers.
- Category 5.** Industries discharging only sanitary wastes and/or nontoxic discharges.
- Category 6.** Dry industries, with no waste discharges to the sewers, using solvents, toxic and/or hazardous chemicals
- Category 7.** Dry industries with no waste discharges to the sewers.
- Category 8.** Any institution, as described in the below listed sub-categories, discharging or having the potential to discharge any infectious waste.

Sub-category: 8(A) Hospitals
8(B) Nursing homes

8(C) Any other medical facilities

Category 9. Any restaurant discharging or having the potential to discharge any pollutant to the sewer system.

Category 10. Any commercial establishment discharging or having the potential to discharge any pollutant to the sewer system not described in any preceding category.

(d)3.1.2. It shall be unlawful for significant non-domestic user to discharge waste water, either directly or indirectly, into the Municipalities system without first obtaining an non-residential pre-treatment permit from the pre-treatment coordinator. Any violation of the terms and conditions of an non-domestic pre-treatment permit shall be deemed a violation of this section. Obtaining an non-domestic pre-treatment permit does not relieve a permittee of its obligation to obtain other permits required by Federal, State, or Local Law.

(d)3.1.3. The pre-treatment coordinate may require that other non-domestic user, including liquid waste haulers, obtain non-domestic pre-treatment permits as necessary to carry out the purpose of this section.

(d)3.1.4. **New connections.** Any significant non-domestic user proposing to begin or recommence discharging non-domestic wastes into the sanitary sewer system must obtain a pre-treatment permit from the pretreatment coordinator prior to beginning or re-commencing such discharge. An application for this permit must be filed at least ninety (90) days prior to the anticipated start up date.

At the time of the start-up any new non-domestic user must be in compliance with and abide by this section, including all permitting, permit limitations, compliance monitoring, reporting, and enforcement provisions herein.

(d)3.2. Permit application.

(d)3.2.1. In order to be considered for a pre-treatment permit, all industrial users required to have a permit must submit the following information to the City on an application form approved by the pre-treatment coordinator:

- a. Name, address and location (if different from the address).
- b. Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for

which federal categorical standards have been promulgated.

- c. Waste water constituents and characteristics including any pollutants in the discharge which are limited by any federal, state, or local standards; sampling and analysis will be undertaken in accordance with 40 CFR part 136.
- d. Time and duration of the discharge.
- e. Daily maximum, daily average, and monthly average waste water flow rates, including daily, monthly, and seasonal variations, if any.
- f. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW.
- g. The site plans, floor plans, and mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation.
- h. Each product produced by type amount, process or processes, and rate of production.
- i. Type and amount of raw materials processed (average and maximum per day).
- j. Number and type of employees, and hours of operation of plant and proposed or actual hours of the facility.
- k. Whether additional operation and maintenance (O&M) and/or additional pre-treatment is required for the user to meet all applicable federal, state, and local standards. If additional pre-treatment and/or O & M will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or O & M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pre-treatment standard. The following conditions apply to this schedule:
 - (i) This 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 pre-treatment required for the user to meet the applicable pre-treatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, begin operation, and routine operation). No

increment referred to in the paragraph above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.

- (ii) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the pre-treatment coordinator 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. In no event shall more than nine (9) months elapse between such progress reports to the pre-treatment coordinator.

- 1. Any other information as may be deemed by the pre-treatment coordinator to be necessary to evaluate the permit application.

(d)3.2.2. All plans required in sub-section (e)3.2.1. must be certified for accuracy by a Rhode Island or Massachusetts registered professional engineer where appropriate.

(d)3.2.3. All applications must contain the following certification statement and be signed in accordance with paragraph a, b, c or d below:

I certify under the penalty of law of the state of Rhode Island and the State of Massachusetts 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. I further agree that in consideration of the granting of the application of non-residential wastewater discharge permit, that I/we accept and agree to abide with all the provisions of the regulations for the Bellingham-Woonsocket Wastewater Project and all other pertinent ordinances or regulations that may be adopted in the future, to cooperate at all times with the officials of the Town of Bellingham and/or the City of Woonsocket, Rhode Island Department of Environmental Management and Environmental Protection Agency with

regards to inspection, monitoring and enforcement and agree to submit to the jurisdiction of the State of Rhode Island for all criminal and civil enforcement of these regulation against myself and/or my company.

- a. By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - (i) A president, secretary, treasurer or 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
 - (ii) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship, respectively.
- c. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the industrial user submitting the reports is a federal, state, local governmental entity, or their agents.
- d. By a duly authorized representative of the individual designated in paragraph a, b, c of this sub-section if:
 - (i) The authorization is made in writing by the individual described in paragraph a, b or c;
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) The written authorization is submitted to the City.
- e. If an authorization under paragraph (d) of this sub-section 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 authorization satisfying the requirements of paragraph (d) of the sub-section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

(d)3.2.4. The pre-treatment coordinator will evaluate data furnished by the industrial user and may require additional information. After evaluation of the data furnished, the pre-treatment coordinator shall take appropriate action subject to terms and conditions provided herein.

(d)3.3. Pre-treatment permit contents.

(d)3.3.1. Pre-treatment permits shall include such conditions as are reasonably deemed necessary by the pre-treatment coordinator to prevent pass-through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality and protect damage to the POTW collection system or plant. Permits may contain but need not be limited to the following:

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b. Limits on the average and/or maximum concentration, mass or other measure of identified waste water constituents or properties;
- c. Requirements for the installation of pre-treatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
- d. Development and implementation of spill control plans or other special conditions, including additional management practices necessary to adequately prevent accidental, unanticipated or routine discharges;
- e. The unit charge or schedule of user charges and fees for the management of the waste water discharged to the POTW;
- f. Requirements for installation and maintenance of inspection and sampling facilities;
- g. Specifications for monitoring programs which may include sampling locations, frequency of sampling, numbers, types, and standards for tests, and reporting schedule;
- h. Compliance schedule;
- i. Requirements for submission of technical reports or

- discharge reports;
- j. Requirements for maintaining and retaining plant records relating to waste water discharge as specified by the pre-treatment coordinator and affording the pre-treatment coordinator or his representative, access thereto and copies thereof;
 - k. Requirements for notification of any new introduction of waste water constituents of any substantial change in the volume or character of the waste water being introduced in the POTW;
 - l. Requirements for the notification of any change in the manufacturing and/or pre-treatment process used by the permittee;
 - m. Requirements for notification of excessive, accidental or slug discharges.
 - n. Other conditions as deemed appropriate by the pre-treatment coordinator to ensure compliance with this section, and state and federal laws, rules and regulations; and
 - o. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pre-treatment standards, including those which become effective during the term of the permit.

(d)3.4 Permit issuance process

(d)3.4.1. Permit duration: Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the pre-treatment coordinator.

(d)3.4.2. Public notification. The pre-treatment coordinator will publish in the largest daily newspaper in the service area, notice to intent to issue a pre-treatment permit, at least fourteen (14) days prior to issuance. The notice will indicate a location where the draft permit maybe reviewed and an address where written comments maybe submitted.

(d)3.4.3. Permits appeals. The pre-treatment coordinator will provide all interested persons with notice of final permit decisions. Upon notice by the pre-treatment coordinator, any person, including the non-domestic user, may petition to appeal the terms of the permit within ten (10) days of the notice.

- a. Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.
- b. In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the

permit.

- c. The effectiveness of the permit shall not be stayed pending a re-consideration by the director or its designee. If, after considering the petition and any arguments put forth by the pre-treatment coordinator, the director or its designee determines that reconsideration is improper, it shall remand the permit back to the pre-treatment coordinator for reissuance. Those permit provisions being reconsidered by the pre-treatment coordinator may be stayed at the discretion of the pre-treatment coordinator pending reissuance.
- d. The director's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.
- e. Aggrieved parties seeking judicial review of the director's action must do so by filing a complaint with the Superior Court for Providence County within thirty (30) days of receipt of the decision.

(d)3.4.4. Permit action. The pre-treatment coordinator may modify the permit for good cause, including, but not limited to, the following:

- a. To incorporate any new or revised federal, state, or local pre-treatment standards or requirements;
- b. Materials or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
- c. A change in any condition in either the non-residential user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the municipalities collection and treatment system, POTW personnel, or the receiving waters;
- e. Violation of any terms or conditions of the permit;
- f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
- g. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR403.13 by E.P.A. or the approval authority
- h. To correct typographical and other errors in

- the permit;
- i. To reflect transfer of the facility ownership and/or operation to a new owner/operator;
 - j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(d)3.4.5. Permit transfer. Permits may not be reassigned or transferred to a new owner and/or operator.

(d)3.4.6. Permit termination. pre-treatment permits may be terminated for the following:

- a. Falsifying self-monitoring reports;
- b. Tampering with monitoring equipment;
- c. Refusing to allow timely access to the facility premises and records;
- d. Failure to meet effluent limitations;
- e. Failure to pay fines;
- f. Failure to pay sewer charges; and
- g. Failure to meet compliance schedules.

(d)3.4.7. Permit reissuance. The user shall apply for permit reissuance by submitting a complete permit application a minimum of ninety (90) days prior to the expiration of the user's existing permit.

(d)3.4.8. Continuation of expired permits. An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The non-domestic user has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit; and.
- b. The failure to reissue the permit, prior to the expiration of the previous permit, is not due to any act or failure to act on the part of the non-residential user.

(d)3.4.9. Special agreements. Nothing in this section shall be construed as preventing any special agreement or arrangement between the POTW and any user whereby waste water of unusual strength or character is accepted into the POTW and specially treated and subject to any payments or users charges, as may be applicable. However, no discharge which violates pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the pretreatment coordinator, the waste water

may have the potential to cause or result in any of the following circumstances, no such agreement will be made:

- a. Pass-through or interferences;
- b. The endangering of municipal employees or the public.

(d)3.5. Reporting requirements for premises.

(d)3.5.1. Final compliance report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or, in the case of a new source, following commencement of the introduction of waste water into the facility any user subject to pretreatment standards and requirements shall submit to the commission a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the users facility which are limited by the such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and /or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the non-domestic user, and certified to by a registered engineer.

(d)3.5.2. Self-monitoring report.

- a. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the facility, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section I. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.
- b. The director may impose mass limitations on users which are permitted to combine dilution and process water flows, or in any other cases

where the imposition of mass limits is appropriate. In cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. The reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the director pursuant to section 304(g) of the Act and contained in 40CFR, part 136 and amendments thereto or with any other test procedures approved by the City and Rhode Island Department of Environmental Management. Sampling shall be performed in accordance with the techniques approved by the director.

(d)3.6. Monitoring. The City shall require to be provided, operated and maintained at the user's own expense, monitoring equipment and observation/monitoring manholes to allow inspection, sampling and flow measurements of the building sewer and/ or internal drainage systems. The monitoring equipment and manholes shall be situated on the user's property. There shall be ample room in or near such sampling manhole or equipment to allow accurate sampling and preparation of samples for analysis. This sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether construction on public or private property, the sampling and monitoring equipment shall be provided in accordance with the City requirements and all applicable local, City and State construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by either Municipality.

- (1) Additional monitoring by permittee.** If the permittee monitors any pollutant more frequently than required by his permit, the results of such additional monitoring shall be included in the permittee's self monitoring reports;
- (2) Quality control/quality assurance. (QC/QA)** Any permittee that performs their own in-house analysis for reporting purposes shall be

subject to a laboratory inspection which will include the review of all quality control records. The permittee will also be required to participate in the Woonsocket pretreatment divisions QC/QA testing program.

(d)3.7 **Inspection and sampling.** The either municipality, Massachusetts Department of Environmental Protection, Rhode Island Department of Environmental Management or the Environmental Protection Agency may inspect the equipment of any user to ascertain whether the purpose of this section is being met and all requirements are being complied with. Persons or occupants of premises where waste water is created or discharged into the POTW shall allow the either Municipality or its representative including the Rhode Island Department of Environmental Management and the Environmental Protection Agency ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Municipalities, Massachusetts Department of Environmental Protection, Rhode Island Department of Environmental Management and E.P.A. shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification personnel from the Municipalities, Massachusetts Department of Environmental Protection, Rhode Island Department of Environmental Management and E.P.A. will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(d) 3.8. **Pretreatment.** Users shall provide necessary waste water treatment as required to comply with this section and shall achieve compliance with all federal and local pretreatment standards within the time limitations as specified by the Federal Pretreatment Regulations. Any equipment required to pretreat waste water to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detail plans showing the pretreatment equipment and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the equipment as necessary to produce an effluent acceptable to the City under the provision of this section. Any subsequent changes in the pretreatment equipment or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

(e)3.8.1. **Annual publication.** A list of all non-

domestic users which were subject to enforcement proceedings during the twelve (12) previous months shall be annually published by the Municipality in the Woonsocket Call. Accordingly, the permittee is apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section.

All records relating to compliance with pretreatment standards shall be made available to officials of the D.E.P. or approval authority upon request.

(d)3.9. Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that release of such information processes or methods of production entitled to protection as a trade secrets of the users.

When requested by the person furnishing a report 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 upon written request to governmental agencies for uses related to this section, the Rhode Island Pollutant Discharge Elimination System (RIPDES) permit and/or the Woonsocket pretreatment program; provided, however, that such portions of a report shall be available for use by the state or state agency in judicial review or enforcement proceedings involving the person furnishing the report. Waste water constituents and characteristics will not be recognized as confidential information.

(d)4. General discharge requirements and prohibitions.

(d)4.1. General discharge pollutants. No user shall contribute or cause to be contributed, directly or indirectly any pollutant or waste water which will interfere with operation or performance of the facility. These general prohibitions apply to all such users, whether or not the user is subject to National Categorical Pretreatment Standards or other national, state or local pretreatment standards, or requirements. A user may not contribute the following substances into the facility:

- (a)** Any liquids, solids or gases which by reason of their nature or quantity, are, or may be, sufficient, either alone or by interaction with other substances, to cause fire explosion or be injurious in any other way to the facility including any pollutants which create a fire explosion hazard, including those with

a closed cup flashpoint of 140 degree Fahrenheit. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the facility (or at any point in the facility) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, and any other substances which the Town, City, the state or the E.P.A. has notified the user is a fire hazard or a hazard to the facility.

- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the facility, such as but not limited to, grease, garbage with particles greater than one-half inch in dimension, animal guts, or tissues, paunch manure, bones, hairs, hides or fleshings, entrails whole blood, feathers, ashes, cinders, sands, spent lime or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residue, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (c) Any waste water having a pH less than 5.0 s.u. or greater than 11.0 s.u.
- (d) Any waste water containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any waste water treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the facility or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307 (a) of the Act.
- (e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (f) Any substance which may cause the effluent or any other products of the facility, such as residues, sludges or scums, to be unsuitable

for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the facility cause non-compliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act, or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or Rhode Island State criteria applicable to the sludge management method being used.

- (g) Any substance which will cause the City to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- (h) Any waste water with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, etc.
- (i) Any waste water having a temperature which exceeds sixty-five (65) degrees Celsius (150 degree FAHRENHEIT).
- (j) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the facility. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutant or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration, quantities or flow during normal operation.
- (k) Any waste water containing any radioactive wastes or isotopes of such half-life or concentration, as may exceed limits established by the director in compliance with applicable state or federal regulations.
- (l) Any waste water which causes a hazard to human life or creates a public nuisance.
- (m) Waters or waste containing substances which are not amenable to treatment or reduction by the waste water treatment processes employed or are amenable to treatment only to such degree that the waste water treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (n) Any water or wastes which by interaction with other water or wastes in the interceptor

- release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (o) Any corrosive water or wastes or any waters or wastes containing strong iron pickling wastes, concentrated plating solution, whether neutralized or not.
 - (p) Any water or waste which by itself or by interaction with other materials, emits chemical contaminants into the atmosphere of any confined area of the facility at levels in excess of Short Term Exposure Limit Threshold Limit Value (STEL-TLV) established for airborne contaminants by the American Conference of Governmental Industrial Hygienists (ACGIH) or the National Institute for Occupational Safety and Health.
 - (q) Any discharge to the POTW which is diluted in lieu of treatment in order to attain specified discharge levels or characteristics.
 - (r) Any ground, storm and surface waters, roof run off, subsurface drainage, uncontaminated cooling water, and uncontaminated industrial process waters.
 - (s) Any waste water in excess of permit limits set by the Municipalities for the user's waste water discharge. Permit limits established by the municipalities subject to review and approval by the pretreatment approval authority, pursuant to federal and state pretreatment regulation, and be modified only with approval by the pretreatment approval authority, Rhode Island Department of Environmental Management. The volume and concentration of contributions from users may be subject to more stringent requirements by the Municipality so that the aggregate contribution within the Municipal facilities do not cause odor problems, treatment of collection system difficulties, or produce a waste water or treatment facility effluent, air emission or sludge discharge in violation of the limits and requirements of applicable federal and state regulations.
 - (t) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW which may cause acute worker health or safety problems.

(d) 4.2. **Federal Categorical Pretreatment Standards.**

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial sub-category the

federal standard if more stringent than limitations imposed under this section for sources in that sub-category, shall immediately supersede the limitations imposed under this section. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

(d) 4.3. Specific pollutant limitations.

- A. The following described substances, materials, waters, or waste shall be limited in discharges to the POTW to concentrations or quantities which will not harm either their sewers, waste water treatment process or equipment; will not have an adverse effect on the Blackstone River; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability, a municipality will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sewers, the waste water-treatment process employed capacity of the waste water treatment plant, degree of treatability of the waste in the waste water treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste waters discharged to the sewer which shall not be violated without approval of the municipalities are as follows:
1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Celsius); however, the temperature at the POTW influent shall not exceed forty (40) degrees Celsius (104 degrees Fahrenheit).
 2. Materials which exert or cause:
 - (a) Unusual concentration of inert suspended solids (such as but not limited to, fuller's earth, lime slurries, and lime residues) or dissolved solids (such as but not limited to, sodium chloride and sodium sulfate) and waste waters having suspended solids concentrations in excess of three hundred (300) mg/l.
 - (b) Waste waters having BOD concentrations in excess of two hundred fifty (250) mg/l and COD in excess of seven hundred fifty (750) mg/l, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 3. Waters or wastes containing fats, wax, grease or petroleum oils, nonbiodegradable cutting

oils, or products of mineral oil origin, vegetable or animal origin as measured by freon extraction in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) degrees Fahrenheit or zero (0) degrees Celsius, and one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius. Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible floating oils, fats and greases, notwithstanding the provisions of subsection 1 above. The use of chemical or physical means (such as temperature variation, emulsifying agents, mechanical mixers) to bypass or release fats, oils and greases into the municipal sewerage system is prohibited.

Grease, oil and sand interceptors shall be provided by the user generating such wastes when in the opinion of the City or Town, they are necessary for the proper handling of flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and Town and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the person generating the wastes shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of dates and means of disposal which are the subject to review by the City and Town. Any removal and hauling of the collected materials not performed by generating user's personnel must be performed by currently licensed waste disposal firms.

- B. Limits established in this section may be modified and the volume and concentration of contributions from users may be subject to more stringent requirements by the municipalities so that the aggregate contribution to the POTW does not cause odor problems, treatment or collection system difficulties, or produce a waste water or treatment facility effluent, air emission or sludge discharge in violation of limits and requirements of applicable federal and R.I. State regulations.
- C. In any instance in which the federal and/or requirements or limitations are more stringent than the limitations set forth in these rules and regulations, said requirements and limitations on

discharges shall be met by all users subject to such requirements or limitations.

- D. Notwithstanding the limitations set forth in Section 1(e)4.3 above, a special temporary permit or amendment to an existing permit between the City and the user may be issued whereby a waste of unusual character or strength may be accepted on an interim basis when, in the opinion of the City, unusual or extraordinary circumstances compel special terms and/or conditions of temporary durations. Such permit or amendment will be issued only when, in the opinion of the City, it would not cause any interference with or disruption in the biological treatment works, would not violate the NPDES permit or Rhode Island water quality standards, or would not force additional controls on other dischargers to achieve compliance with effluent limitations. The waiver of federal pre-treatment standards shall not be permitted unless such waiver is granted by mechanisms established under the City's pre-treatment regulations.
- E. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any non-domestic user whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern, provided that such agreements do not contravene federal and state pre-treatment standards and regulations and Section 1(e)4.1 of these regulations nor cause the municipality to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(d)4.4. Remedies. If any wastewater is discharged to the municipalities facilities in violation of the prohibitions described in Sections 1(e)4.1 and 1(e)4.2 and the director may in its sole discretion:

- a. Reject the wastes;
- b. Require a discharger to demonstrate and implement those in-plant modifications which will reduce or eliminate the discharge of such substances to conform to these rules and regulations.
- c. Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances, so that the discharge will not violate these rules and regulations;
- d. Require controls to be installed which will

- regulate the quantities and rates of discharge;
- e. Require payment to the city to cover its added cost of handling, monitoring, and treating the wastes;
 - f. Revoke a discharger's permit; and
 - g. Take any other administrative sanctions, enforcement actions, and remedial actions as may be desirable, necessary, or permitted to achieve the purpose of these regulations. Any plans, specifications, and other pertinent data, or information relating to such pretreatment, or flow-control facilities shall first be submitted to the City and other appropriate regulatory agencies for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order, of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the municipality.

(d)4.5. State requirements. Requirements and limitations on discharges imposed by Massachusetts or Rhode Island Regulations shall apply in any case where they are more stringent than federal requirements and limitations or those on this section.

(d)4.6. Rights of revision. The municipality reserves the right to establish further rules and regulations, more stringent limitations or requirements on discharges to the facility if deemed necessary to comply with the objectives presented in Section 1(e)1.1 of these regulations.

(d)4.7. Excessive discharge. 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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the municipality.

(d)4.8. Accidental discharges (spill prevention control and counter-measure plan.) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by these rules and regulations. Equipment to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing equipment and operating procedures to provide this protection shall be submitted to the City for review, and shall be

approved by the City before construction. All existing users shall complete such a plan within ninety (90) days of the effective date of this program. No user who commences contribution into the facility after the effective date of this section shall be permitted to introduce pollutants into the facility, until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's equipment as necessary to meet the requirements of these rules and regulations. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the City of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(d)4.9. Written notice (spill/slug discharge report).

Within five (5) days following an accidental discharge; the user shall submit to the City and Town a detailed written report describing the cause 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 to the facility, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(d)4.10. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(d)5. Administration.

(d)5.1. Administration. Except as otherwise provided herein, the director of the city shall administer, implement and enforce the provisions of these rules and regulations. Any power granted or duties imposed upon the director may be delegated by the director to persons in the employ of the director.

(d)5.2. Monitoring.

(a) The permit holder shall make measurements, including but not limited to flow rates, flow volumes, BOD and suspended solids concentrations as well as concentrations of other particular constituents of their industrial wastewater discharges, at their own expense, as frequently as necessary to comply with the terms and

- conditions of each permit issued hereunder.
- (b) All measurements, tests, and analysis of the characteristics of water and wastes to which reference is made in this regulation shall be determined in accordance with the most recent U.S. Environmental Protection Agency approved methods and procedures (40 CFR part 403 and 40 CFR part 136), and shall be determined at the control manhole provided or at any other suitable sampling site. Sampling shall be carried out by accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine the duration and type of sampling which shall be conducted.
 - (c) Either municipality may require any permit holder to construct and maintain a wastewater monitoring facility of a design or configuration acceptable to both municipalities sufficient to accomplish monitoring requirements as set forth in the permit.
 - (d) The sampling, analysis and flow measurement procedures, equipment, data and test results shall be subject at any reasonable time to inspection by either municipality, the Rhode Island Department of Environmental Management, Massachusetts Department of Environmental Protection, and the Environmental Protection Agency; and copies of said data and test results shall be provided to the municipality upon request. Flow measurement systems and all appropriate equipment shall be regularly calibrated in accordance with procedures acceptable to the municipality.

(d)5.3. Variations between actual and reported industrial wastewater parameters. Should measurements or other investigations indicate that the industrial user has discharged wastewater, the constituents of which are significantly different in quantity or quality from those stated by the user, the municipality shall notify the user and require that the user furnish all information in his possession relevant to the apparent variance.

(d)5.4. Inspectors. Adequate identification shall be provided for all authorized inspectors, including representatives of the Town, City, RIDEM and EPA, and these persons shall identify themselves when entering any property for inspection purposes.

(d)5.5. **Consent to access.** Authorized personnel of the municipalities, the Rhode Island Department of Environmental Management, and the Environmental Protection Agency shall be provided reasonable access to all equipment directly or indirectly connected to the users facility at all times, including those occasioned by emergency conditions.

(d)5.6. **Rate schedule for non-residential users.** Industrial users shall be billed in accordance with the prevailing schedule of rates.

(d)5.7. **Notices.** Unless otherwise provided herein, any notice required to be given by the municipalities under these rules and regulations shall be in writing and served in person or by certified mail or telegram to the last address of the user shown in the records of the municipalities.

(d)5.8. **Time limits.** Any time limits provided in any written notice, or in any provision of these rules and regulations, may be extended only by written directive.

(d)5.9. **Partial invalidity.** If the provisions of any paragraph, section, article or portion of these rules and regulations are declared unconstitutional, unenforceable, or invalid by the final decision of any court of competent jurisdiction, the provisions of the remaining paragraphs, sections or articles of these rules and regulations shall continue in full force and effect, and shall not be affected thereby.

(d)6. Enforcement provision.

(d)6.1. **Authority.** These enforcement provisions are adopted under the authority of Massachusetts General Laws Chapter 83, Section 1-24, Chapter 517 of the Acts of the Massachusetts Legislature of 1973; Chapter 55 of the Acts of the Massachusetts Legislature of 1988; and Chapter 227 of the Acts of the Massachusetts Legislature of 1992.

(d)6.2. Administration enforcement remedies.

(d)6.2.1. **Notification of violation.** Whenever the pretreatment coordinator finds that any user has violated or is violating this section, or a wastewater discharge permit or order issued hereunder, the pretreatment coordinator or his agent may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of 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 to the pretreatment coordinator. 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.

(d)6.2.2. **Consent orders.** The pretreatment coordinator is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection (e)6.2.3. below.

(d)6.2.3. **Compliance order.** When the pretreatment coordinator finds that a user has violated or continues to violate the ordinance or a permit or order issued there-under he may issue a compliance order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(d)6.2.4. **Cease and desist orders.** When the pretreatment coordinator finds that a user has violated or continues to violate this section or any permit or order issued hereunder, the pretreatment coordinator may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (a) comply forthwith,
- (b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(d)6.2.5. **Administration fines.** Notwithstanding any other section of this section, any user who is found to have violated any provision of this section, or permits and orders issued hereunder, shall be fined in an amount not to exceed twenty-five thousand dollars (\$25,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the pretreatment coordinator shall have such other collection remedies as he has to collect other sewer charges. Unpaid charges, fines, penalties and costs shall constitute a lien against the individual user's property and the real estate from which discharge originate. Users desiring to dispute

such fines must file with the pretreatment coordinator and the commission a written request within ten (10) days of being notified of the fine, for a hearing to show cause why the fine is excessive or should not be imposed in accordance with the provisions of subsection (e)6.3 below.

(d)6.2.6. Emergency suspensions.

- (a) The pretreatment coordinator and director may suspend the wastewater treatment service and/or wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.
- (b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the pretreatment coordinator shall take 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 pretreatment coordinator shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in subsection (e)6.2.7 below are initiated against the user.
- (c) A user which is responsible, in whole or in part, for 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 pretreatment coordinator and commission prior to the date of the hearing described in paragraph (b) above.

(d)6.2.7 Termination of permit. Significant industrial user's proposing to discharge into the POTW must first obtain a wastewater discharge permit from the pretreatment coordinator. Any user who violates the following conditions of this section or a wastewater permit order, or any applicable state or federal law, is subject to permit termination:

- (a) Violation of 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 constituents and characteristics;

- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (e) Failure to pay penalties, fees, costs, or surcharge. Noncompliant users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under subsection (e)6.3 of this section why the proposed action should not be taken.

(d)6.2.8. Costs. In addition to such administrative, civil or criminal fines as may be imposed, any user who violates any provision of these rules and regulations or any condition or limitation of a permit, or plan approval related thereto, shall be financially responsible and liable to the City and Town, in addition to normal service charges and surcharges for industrial investigation and monitoring of compliance with these rules and regulations, including, but not limited to, the following:

- (a) Cost of mileage and labor incurred in detecting and correcting the violation;
- (b) Laboratory analysis costs associated with detecting and correcting the violation;
- (c) Additional treatment costs caused by the violation or associated with detecting and correcting the violation;
- (d) Costs of any additional equipment acquired or expended by the municipality for detecting or correcting the violation;
- (e) Repair and/or replacement of any part of the facility damaged by the violation;
- (f) Any liability, damages, fines or penalties incurred by the municipality as a result of the violation;
- (g) Other costs as are associated with the detecting and correcting the violation.

(d)6.3. Show-cause proceedings.

(d)6.3.1. Right to request hearing. Any compliance or assessment of penalty shall inform the user that a written request for a hearing on the alleged violation, order and/or penalty may be filed with the pretreatment coordinator within ten (10) days after service of the notice. The notice will be deemed properly served upon a user if a copy thereof is served upon him or her personally, or sent by registered or certified mail to his or her last-known address, or if he or she is served with notice by any other method of service now or hereafter authorized in a civil action under the laws of

the state of R.I. or MASS. If no written request for a hearing is made to the pretreatment coordinator within ten (10) days of the service notice, the notice and its provisions and any penalty assessed will automatically take effect; and such failure to request a hearing will constitute an admission of all facts alleged in such notice and a waiver of the user's right to a hearing on the factual allegations and provisions in the compliance order and assessment of penalty.

(d)6.3.2. Conduct of hearing.

- (a) If a user upon whom a compliance order and/or assessment of fine has been served under the provisions of this section requests a hearing before the director within ten (10) days of the service of the compliance order and/or assessment of fine, the director shall set a time and place for the hearing, and shall give the user requesting that hearing at least five (5) days' written notice thereof.
- (b) After the hearing, the director may make findings of fact and shall sustain, modify or withdraw the compliance order and/or assessment of fine. If the director sustains or modifies the compliance order or assessment, that decision shall be deemed an order and shall be served upon the person responsible in any manner provided for the service of the compliance order or assessment. The order shall state a time within which the violation shall be remedied, and the original time specified in the notice of violation shall be extended to the time set in the order.
- (c) Whenever an order has become effective, whether automatically where no hearing has been requested or upon decision following hearing, the director or the pretreatment coordinator may institute injunction proceedings in the Superior Court of the State of Rhode Island, for enforcement of the order and for appropriate temporary relief. The remedy provided for in this section shall be cumulative and not exclusive and shall be in addition to remedies relating to the removal or abatement of nuisances or any other remedies provided by law.
- (d) The director may designate an individual not involved in the investigation or preparation of the municipality's case to act as hearing officer in his place
- (e) All hearing costs shall be paid by the user requesting the hearing.

(d)6.4. Judicial remedies. If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of this section or any order or permit issued hereunder, the pretreatment coordinator, the Rhode Island Department of Environmental Management, or the City, may commence an action for appropriate legal and/ or equitable relief in the Superior Court for Providence County.

(d)6.4.1. Injunctive relief. Whenever a user has violated or continues to violate the provisions of this section or permit or order issued hereunder, the City or Rhode Island Department of Environmental Management, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both) as may be appropriate) which restrains or compels the activities of the part of the user. The the City or Rhode Island Department of Environmental Management shall have such remedy to collect these fees as it has to collect other sewer service charges.

(d)6.4.2. Civil penalties.

(a) Any user who has violated or continues to violate this section, or any order or permit issued hereunder, shall be liable to the City or Rhode Island Department of Environmental Management for a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above-described penalty and damages, the the City or Rhode Island Department of Environmental Management may recover reasonable attorneys' fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(b) The the City or Rhode Island Department of Environmental Management shall petition the court to impose, assess and recover such sums. In determining the amount of 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, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, and the compliance history of the user.

(d)6.4.3. Criminal prosecution.

Violations generally. Any user who willfully or with criminal negligence violates any provision of this section or any orders or permits issued hereunder shall, upon conviction, be punished by a fine not to exceed twenty-five thousand dollars (\$25,000.00) per violation per day or imprisonment for not fore than thirty (30) days or both.

Falsifying information. Any user who knowingly makes any false statements, representations or certifications in any application, record, report plan or other document filed or required to be maintained pursuant to this section, or waste water discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this section shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation per day.

(e) **Requirements for traps or collectors.** Grease, oil, and traps or collectors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such traps and collectors shall not be required for single family dwellings. All traps and collectors shall be of a type and capacity approved by the director and the plumbing inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

(f) **Maintenance of preliminary treatment or flow equalization facilities.** Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(g) **Observation Manholes.** When required by the director and/or superintendent, the owner of any property to be serviced or presently serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City and Town. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. All industries discharging to a public sewer shall perform such monitoring of their discharge as the City or Town may require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring

to the City or Town. Such records shall be made available to the public upon request.

(h) Laboratory analysis of wastes. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined by a certified laboratory in accordance with the latest edition of 40 CFR Part 136, at no cost the municipality. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the commission.

(i) Changes in Discharge by Industrial Users: Users identified in the Standard Industrial Classification Manual, Office of Management and Budget, U.S. Department of Labor shall notify the director at least forty-five (45) day prior to any changes in existing discharge or proposed new discharge.

Section 2. Protection from damage.

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 sewage works. Any person violating this provision shall be subject to the penalties set forth in Section 4. Said penalties shall be in addition to all costs of restitution.

Section 3. Powers and authority of inspectors.

(a) Permit to enter properties. Representative(s) of the City, Town, Rhode Island Department of Environmental Management, Massachusetts Department of Environmental Protection, and/or the Environmental Protection Agency bearing proper credentials, authorizations or identifications shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. Said Representative(s) in the enforcement of this article, shall have no authority beyond that point having a direct bearing on the kind and source of discharge to the waste water facilities and waste water treatment works.

(b) Information concerning industrial processes. The commission is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industrial user may withhold information considered confidential, but must establish to the satisfaction of the City, Town, Rhode Island Department of Environmental Management, Massachusetts Department of Environmental

Protection, and/or the Environmental Protection Agency that the revelation to the public of the information in question might result in an advantage to competitors and, that the waste will have no deleterious effect on the sewage treatment and-collection systems.

Section 4. Penalties.

(a) Written notice violation. Any person found to be violating any provision of this article shall be served by the municipality with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. Said limit shall be thirty (30) days or less as determined by the director and/or the superintendent. The offender shall, with in the period of time stated in such notice, permanently cease all violations.

(b) **Prosecution** of violators. Any person who shall continue any violation beyond the time limit provided for in paragraph (a) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding twenty-five thousand dollars (\$25,000.00) or imprisonment not exceeding thirty (30) days for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. The commission shall have the authority to terminate the water supply of said person during the period of non-compliance with this article.

(c) Liabilities. Any person violating any of the provisions of this article shall become liable to the municipality for any expense, loss or damage occasioned the municipality by reason of such violation.

Section 5. Effective Date

These Regulations shall be in full force and effect from and after the tenth day following their publication and filing with the Bellingham Board of Water and Sewer Commissioners.

APPROVED the 4th day of MAY, 19 93.

Paul Chupa
Chairman, Town of Bellingham Board
of Water and Sewer Commissioners

ATTEST: Claire Fox Tami
Secretary

Published the 4th day of MAY, 19 93.

Filed the 4th day of MAY, 19 93.

Town of Bellingham

SEWER USE REGULATIONS

Pursuant to the provisions of Massachusetts General Laws Chapter 83, Section 10, the Town of Bellingham Board of Selectmen hereby establishes the following Regulations governing the use of the wastewater collection and treatment system in the Town of Bellingham that contribute to the of the Charles River Pollution Control District.

SECTION 1. - GENERAL PROVISIONS

1.1 Purpose and Policy

These Regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Charles River Pollution Control District (the "District"), and enable the District to comply with all applicable requirements under Massachusetts and federal law, including, without limitation, the Clean Water Act of 1977 and the General Pretreatment Regulations promulgated thereunder at 40 C.F.R. Part 403; the National Pollutant Discharge Elimination System Permit, issued to the District by the United States Environmental Protection Agency (Federal Permit No. MA 0102598) and the Massachusetts Department of Environmental Protection (State Permit No. M-196); and Massachusetts General Laws Chapter 21 and the Pretreatment Regulations promulgated thereunder at 314 C.M.R. §§2.00, 7.00, and 12.00.

These Regulations shall apply to the District and to persons who are, by contract, agreement, or permit with the District, users of the District's Wastewater Treatment Facility (the "Facility"). These Regulations supersede in their entirety the "Rules and Regulations Governing the Waters and Wastes Discharged Into Any Facility Under the Control of the Charles River Pollution Control District" adopted by the District Commission in 1978. Except as otherwise provided herein, the Director of the District shall, pursuant to the authorization of the District Commission, administer, implement, and enforce the provisions of these Regulations.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as

used in these Regulations, shall have the meanings hereinafter designated:

(a) Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq., and the regulations promulgated thereunder, as amended from time to time.

(b) Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

(i) 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

(ii) 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 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 District.

(c) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 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.

(d) Biochemical Oxygen Demand ("BOD"). The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedures in five (5) days at 20° centigrade, expressed in terms of milligrams per liter (mg/l), in the biochemical oxidation of organic matter under standard laboratory procedure.

(e) Bypass. The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(f) Cooling Water. The water discharged from any use, such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

(g) Consistent Removal. The reduction in the amount of a pollutant or alteration of the nature of a pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent, as set forth in 40 C.F.R. §403.7.

(h) Control Authority. Refers to the Publicly Owned Treatment Works (POTW) since the Pretreatment Program has been approved in accordance with the requirements of Sec. 403.11.

(i) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Massachusetts.

(j) Director. The Director of the District, designated by the District Commission to supervise the operation of the Facility, and who is charged with certain duties and responsibilities under these Regulations, or the Director's duly-authorized representative.

(k) District. The Charles River Pollution Control District, acting through its Commission and its Director.

(l) Division. The Director of the Water Management Division of the U.S. Environmental Protection Agency ("EPA"), and the Director of the Division of Water Pollution Control in the Massachusetts Department of Environmental Protection ("DEP"), established pursuant to M.G.L. c. 21, §26.

(m) Domestic Source. Any residence, building, structure, facility, or installation from which there is or may be discharged to the Facility only sanitary sewage, in an amount less than two thousand (2,000) gallons per day, as determined in accordance with the Sewage Flow Estimates published at 314 C.M.R. §7.15, which are incorporated herein by reference.

(n) Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

(o) Indirect Discharge. The discharge or the introduction into the Facility of pollutants from any source, other than a Domestic Source, regulated under section 307(b), (c), or (d) of the Act.

(p) Industrial User. A source of Indirect Discharge or any source which discharges two thousand (2,000) or more gallons per day of sanitary sewage to the Facility.

(q) Industrial Waste. Any liquid, gaseous, or solid waste substance, or a combination

thereof, resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.

(r) Interference. A discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the Facility, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the District's NPDES Permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal by the Facility in accordance with applicable federal, state, or local statutes and regulations or permits issued there under, as set forth in 40 C.F.R. §403.3(i).

(s) National Pretreatment Standard, Pretreatment Standard, or Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act which applies to Industrial Users, including the specific discharge prohibitions found in 40 C.F.R. §403.5.

(t) New Source. Any building, structure, facility, or installation, as described in 40 C.F.R. 403.3(m), from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

(u) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act, 33 U.S.C. §1342, and M.G.L. c. 21, §43.

(v) Pass Through. The discharge of pollutants through the Facility 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 District's NPDES Permit (including an increase in the magnitude or duration of a violation).

(w) Person. Any individual, partnership, public or private corporation or authority, association, trust, estate, governmental entity, agency or political subdivision of a municipality,

the Commonwealth of Massachusetts, or the United States, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(x) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(y) Pollutant. Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major non-point source, which is or may be discharged, drained, or otherwise introduced into any sewerage system, treatment works, or waters of the Commonwealth.

(z) Pollution. The presence in the environment of conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant, or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

(aa) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 C.F.R. §403.6(d).

(bb) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on a User.

(cc) Publicly Owned Treatment Works (abbreviated "POTW") ("Facility"). The treatment works, as defined by Section 212 of the Act, owned by the District and known as the Charles River Pollution Control District Wastewater Treatment Facility (the "Facility"). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes those

sewers, pipes, and other conveyances which convey wastewater to the Facility. For the purposes of these Regulations, POTW shall also include any sewers that convey wastewaters to the Facility from persons who are, by permit, contract, or agreement with the District, Users of the Facility.

(dd) Facility Treatment Plant. That portion of the Facility designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(ee) Sanitary Sewage shall mean liquid and water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of ground, storm and surface water and exclusive of industrial wastes.

(ff) Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(gg) Septage shall mean wastes from holding tanks, such as chemical toilets, campers, or trailers, and wastes from septic tanks and cesspools.

(hh) Sewage is the spent water of a community. The preferred term is wastewater.

(ii) Sewer shall mean a pipe or conduit that carries wastewater.

(jj) Sewerage system shall mean any device, equipment, or works used in the transportation, pumping, storage, treatment, recycling, and reclamation of sewage and industrial wastes.

(kk) Shall is mandatory, May is permissive.

(ll) Significant Industrial User.

(1) Except as provided in Section 1.2(II)(2) of these Regulations, Significant Industrial User means:

(i) all Industrial Users subject to Categorical Pretreatment Standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and

(ii) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the Facility (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Facility treatment plant; or is designated as such by the Director on the basis that the Industrial User has a reasonable potential for adversely affecting the Facility's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 C.F.R. 403.8(f)(6)).

(2) Upon a finding that an Industrial User meeting the criteria in Section 1.2(II)(1)(ii) of these Regulations has no reasonable potential for adversely affecting the Facility's operation or for violating any Pretreatment Standard or Requirement, the Director may at any time, upon his or her own initiative or in response to a petition received from an Industrial User, and in accordance with 40 C.F.R. 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

(mm) Sludge shall mean waste containing varying amounts of solid contaminants removed from water, sanitary sewage, wastewater or industrial wastes by physical, chemical, and biological treatment.

(nn) Slug Discharge. 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 District's regulations, local limits, or permit conditions.

(oo) Standard Industrial Classification ("SIC"). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended from time to time.

(pp) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom.

(qq) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(rr) Town. The Town of Bellingham which, by contract or other agreement, contributes wastewater to the Facility, acting through its Board of Selectmen, or their duly-authorized representative.

(ss) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under section 307(a) of the Act, or other Acts; or in regulations promulgated under M.G.L. c. 21, including, but not limited, to 314 C.M.R. §§3.00, 7.00, and 12.00.

(tt) User. Any Domestic Source or Industrial User which discharges wastewater to the Facility.

(uu) Wastewater. The liquid and water-carried industrial, non-domestic or domestic wastes, including sewage, industrial waste, other wastes, or any combination thereof, from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present.

(vv) Waters of the Commonwealth. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, border upon or are within the jurisdiction of the Commonwealth.

(ww) Wastewater Discharge Permit or Permit. The document issued by the Town and or District, as set forth in Section 3.1 of these Regulations.

SECTION 2. - REGULATION OF WASTEWATER DISCHARGES

2.1 General Discharge Prohibitions

No person may introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Section 2.2 of these Regulations apply to each person introducing pollutants into a POTW whether or not the person is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.

2.2 Specific Discharge Prohibitions

Supplementing the provisions of Section 2.1, above, and not by way of limitation, the following discharges to the Facility are specifically prohibited:

(a) Ground, storm, and surface waters, roof runoff, subsurface drainage, uncontaminated cooling water, and uncontaminated industrial process waters. These discharges shall be made only to such sewers as are specifically designated by the Director as storm sewers, or to a natural outlet, as may be permitted under an applicable NPDES permit.

(b) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to create a fire or explosion hazard or be injurious in any other way to the Facility or to the operation of the Facility. Pollutants which create a fire or explosion hazard include, but are not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 C.F.R. §261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, crude oil, lubricating oils, any other oils or greases of hydrocarbon or petroleum origin, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the Town and or District, the Division or the EPA has notified the person is a fire hazard or a hazard to the system.

(c) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Facility

such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, rubber, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Any wastewater having a pH less than 5.0, (or more than 12.0) or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Facility.

(e) Any wastewater containing toxic or objectionable pollutants in sufficient quantity or concentration, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the Facility, or to exceed the limitations set forth in a National Categorical Pretreatment Standard, the Local Discharge Limitations prescribed herein at Section 2.5, or an Industrial Discharge Permit issued pursuant to these Regulations. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act listed at 40 C.F.R. Part 403, App. B.

(f) Any substances which result in the presence of toxic gases, vapors, or fumes within the Facility in a quantity that may cause acute worker health and safety problems.

(g) Any substance which may cause the Facility's effluent or any other product of the Facility such as residues, sludges, or scums, to be unsuitable for disposal in a permitted landfill or for reclamation and reuse, or to interfere with the reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the Facility cause the Facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or state

criteria applicable to the sludge management method being used.

(h) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference to the Facility.

(i) Any slug discharge, as defined at Section 1.2(II).

(j) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(k) Any wastewater having a temperature which will inhibit biological activity in the Facility resulting in Interference, but in no case wastewater with a temperature at the introduction into the Facility which exceeds 40°C (104°F), unless the Division, upon request of the Town and or District, approves alternate temperature limits.

(l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits necessary to comply with applicable state or federal regulations.

(m) Any sludges or deposited solids resulting from an industrial pretreatment process.

(n) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

(o) Any trucked or hauled pollutants, except at discharge points designated by the Director.

(p) Medical Wastes, except as specifically authorized by the Director in an individual wastewater discharge permit.

2.3 National Categorical Pretreatment Standards

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the Pretreatment Standard, if more stringent than limitations imposed under these Regulations, shall immediately supersede, for Industrial Users in that subcategory, the limitations imposed under these Regulations. The Director shall notify all affected Industrial

Users of the applicable requirements under the Act; 314 C.M.R. §§2.00, 7.00 and 12.00; and subtitles C and D of the Resource Conservation and Recovery Act.

2.4 Modification of National Categorical Pretreatment Standards

Pursuant to 40 C.F.R. §403.7, where the Facility achieves consistent removal of pollutants limited by a National Categorical Pretreatment Standard, the Town and/or District may apply to the Division for modification of the discharge limits for a specific pollutant covered in the relevant National Categorical Pretreatment Standards in order to reflect the Facility's ability to remove said pollutant. The Town and/or District may modify pollutant discharge limits contained in a National Categorical Pretreatment Standard only if the requirements of 40 C.F.R. §403.7 are fulfilled and prior approval from the Division is obtained.

2.5 Local Discharge Limitations

No person shall discharge wastewater containing any pollutant specified in Schedule A, annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in said Schedule A. Compliance with the provisions of this Section 2.5 shall be assessed on the basis of samples of the person's wastewater discharge collected at each point of connection between the person's building, structure, facility or installation and the Town and District's sewerage system. If a National Categorical Pretreatment Standard establishes limitations for Industrial Users in a particular industrial subcategory which are more stringent than the limitations specified in Schedule A, those more stringent limitations shall immediately apply to those Users subject to that National Categorical Pretreatment Standard. Compliance with National Categorical Pretreatment Standard limitations shall be assessed in accordance with the requirements set forth at 40 C.F.R. §403.12(b)(5).

2.6 State Requirements

Requirements and limitations on discharges set by the Massachusetts Department of Environmental Protection ("DEP") shall apply in any case where they are more stringent than federal requirements and limitations or those contained in these Regulations.

2.7 Town and District's Right of Revision

The Town and District reserves the right to establish by amendment to these Regulations more stringent limitations or requirements on discharges to the Facility if deemed necessary to comply with the objectives presented in Section 1.1 of these Regulations.

2.8 Dilution Prohibited in Absence of Treatment

Except where expressly authorized to do so by an applicable National Pretreatment Standard or Requirement, no User shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any National Pretreatment Standard or Requirement.

2.9 Pretreatment

Each Industrial User shall provide necessary wastewater treatment as required to comply with these Regulations, including the Local Discharge Limitations set forth in Schedule A hereto, and shall achieve compliance with all applicable National Categorical Pretreatment Standards within the time limitations specified by said Standards. Any facilities required to pretreat wastewater to a level which will achieve compliance with these Regulations shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent which complies with the provisions of these Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director prior to the Industrial User's initiation of the changes.

All records relating to compliance with applicable Pretreatment Standards and Requirements shall be made available to officials of the EPA or Division upon request. In

addition, pursuant to the public participation requirements of 40 C.F.R. Part 25, the District shall annually publish in the largest daily newspapers of general circulation in the District a list of the Industrial Users which, during the preceding twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards or Requirements.

For purposes of this provision, an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

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

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

(c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Town or District determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Town or District personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Facility's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

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

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the Town or District determines will adversely affect the operation or implementation of the local pretreatment program.

2.10 Accidental Discharges

(a) Plans and Procedures: Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility.

All existing Industrial Users shall submit such a plan within sixty (60) days of the effective date of these Regulations. No Industrial User who commences discharging into the Facility after the effective date of these Regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of these Regulations.

In the case of an accidental discharge, it is the responsibility of the Industrial User to telephone immediately and notify the Director of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and any and all corrective actions.

(b) Written Notice: Within five (5) days following an accidental discharge, the Industrial User shall submit to the Director a detailed written report describing the cause of the

discharge and the measures which have been and shall be taken by the User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Facility, fish kills, or any other damage to persons, animals or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by these Regulations or other applicable law.

(c) Notice to Employees: A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur, or who may know or have reason to know thereof, are advised of the emergency notification procedures.

2.11 Slug Discharge Plans

For all existing Significant Industrial Users or within one year of being designated a Significant Industrial User, the Director shall evaluate whether each User needs a plan or additional action to control slug discharges. Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge. The Significant Industrial User shall comply with the provisions of any such slug control plan which the Director determines to be necessary, including, but not limited to:

- (a) a description of discharge practices, including non-routine batch discharges;
- (b) a description of stored chemicals;
- (c) procedures for immediately notifying the Director-of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. §403.5(b) or Section 2.2, with procedures for follow-up written notification within 5 days; and
- (d) if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker

training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

2.12 Septage Discharges

(a) Septage Discharge Limitations: Septage may be introduced into the Facility only at the location(s) and time(s) designated therefor by the Director. No septage load may be discharged without prior consent of the Director.

All septage discharged to the Facility must comply with the discharge prohibitions and limitations, and the other requirements, set forth in these Regulations. The Director has the authority to prohibit the discharge of hauled industrial wastes. The Director also has the authority to require that sources of hauled industrial wastes obtain Industrial Discharge Permits.

(b) Septage Discharge Permits: All persons proposing to discharge septage into the Facility shall be licensed by the Town in which they collect septage, and shall obtain a Septage Discharge Permit from the District. Application for a Septage Discharge Permit shall be made on a form supplied by the Director. The Septage Discharge Permit shall be issued for a twelve-month period, and the Director is authorized to revoke a Septage Discharge Permit for violation of any of the requirements of these Regulations or the conditions set forth in the Septage Discharge Permit.

The holder of a Septage Discharge Permit shall file with the District Treasurer a Certificate of Insurance in the sums of \$50,000/\$100,000 to cover Public Liability, and a Certificate of Insurance in the sum of \$10,000 covering Property Damage. In addition, a Certificate of Insurance covering Workers' Compensation shall be filed. All of the referenced insurance policies shall remain in full force and effect for a period of at least a year from the date of issuance of the Septage Discharge Permit. Said insurance shall indemnify the District against any and all claims, liability or action for damages incurred in or in any way connected with the performance of the work by a hauler, and for or by reason of any acts of omission of said hauler

in the performance of its work.

(c) Septage Load Certificate: Each septage load shall be accompanied by a certificate signed by the hauler, showing the name and address of the hauler, the name and address of the source of each septage load, and the volume and waste characteristics of each septage load contained in the load to be discharged. The certificate shall also identify the type of industry (if any) in which each source is engaged, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(d) Sampling of Septage Load: The hauler may be required to provide a sample of the septage load contents, taken in the presence of the Facility's operator, in order to ensure compliance with applicable standards. The Director may require that the nature of the sample be verified before the truck is permitted to unload. If the hauler's load is a composite of wastes collected from more than one person or location, the Director may require that a sample of each waste collection must be provided for verification.

(e) Rejection of Septage Load: The Director is authorized to reject a load of septage proposed for discharge at the Facility, for reasons including, but not limited to, the following:

- (1) the waste is not properly identified as to source and content;
- (2) there is not sufficient capacity in the Facility for the load;
- (3) for protection of the health and safety of the public, Facility workers, or the environment; or
- (4) the septage was not generated in a Town approved by the District for septage discharges at the Facility.

SECTION 3. - PERMITS

3.1 Sewer Connection Permits

All Users proposing to connect to or discharge into the Facility shall obtain a Sewer Connection Permit from the Town in which such User is located before connecting to or

discharging into the Facility. An application for said Sewer Connection Permit shall be filed with the Town prior to the proposed connection or discharge to the Facility, as provided in the Town's Sewer Use Regulations. Existing Users connected to the Facility as of the effective date of these Regulations need not apply for a Sewer Connection Permit.

3.2 Industrial Discharge Permits

In addition to obtaining the Sewer Connection Permit prescribed in Section 3.1 of these Regulations, all Industrial Users shall obtain an Industrial Discharge Permit from the District for discharges to the Facility. All existing Industrial Users connected to or discharging into the Facility shall apply for an Industrial Discharge Permit within sixty (60) days after the effective date of these Regulations. All Industrial Users proposing to connect to or discharge into the Facility shall obtain an Industrial Discharge Permit before connecting to or discharging into the Facility. An application for said Industrial Discharge Permit shall be filed with the Director, with a copy to the Town, at least ninety (90) days prior to the proposed connection or discharge to the Facility. The District has the authority to deny or condition new or increased contributions of pollutants to the Facility by Industrial Users, pursuant to 40 C.F.R. 403.8(f)(1)(i).

3.3 Permit Application Requirements

All Users required to obtain a Sewer Connection Permit shall complete and file with their Town an application in the form prescribed by the Town and the Director, and accompanied by the appropriate fee as prescribed by the Town. In addition, an Industrial User shall complete and file with the Director an application for an Industrial Discharge Permit in the form prescribed by the Director, and accompanied by the appropriate fee as indicated on the fee schedule annexed hereto as Schedule B. In support of the application for an Industrial Discharge Permit, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- (a) *Identifying information.* The Industrial User shall submit the name and address of the facility, including the name of the operator and owners;
- (b) *Permits.* The Industrial User shall submit a list of any environmental control

permits held by or for the facility;

(c) *Description of operations.* The Industrial User shall submit a brief description of the nature, average rate of production and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the Facility from the regulated processes.

(d) *Flow measurement.* The Industrial User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the Facility from each of the following:

- (1) Regulated process streams; and
- (2) Other streams as necessary to allow use of the combined wastestream formula of 40 C.F.R. §403.6(e).

The Town and or District may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) *Measurement of pollutants.*

- (1) The Industrial User shall identify the Pretreatment Standards applicable to each regulated process;
- (2) In addition, the Industrial User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or District) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) will be reported. The sample will be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the

Standard.

- (3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The District may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the Industrial User demonstrates that this will provide a representative sample of the effluent being discharged. For the reports required by 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.
- (4) The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- (5) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the Industrial User should measure the flows and concentrations necessary to allow use of the

combined wastestream formula of 40 C.F.R. §403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. §403.6(e) this adjusted limit along with supporting data will be submitted to the District;

(6) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. 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 analysis will be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Facility or other parties, approved by the EPA;

(7) The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(8) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and will certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the Facility;

(f) Certification. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment

Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(g) Compliance schedule. If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule will not be later than the compliance date established for the applicable Pretreatment Standard.

(1) Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (40 C.F.R. 403.7) the combined wastestream formula (40 C.F.R. 403.6(e)), and/or a Fundamentally Different Factors variance (40 C.F.R. 403.13) at the time the Industrial User submits the report required by Section 4.1(a) of these Regulations, the information required by paragraphs (f) and (g) of this section will pertain to the modified limits.

(2) If the categorical Pretreatment Standard is modified by a removal allowance (40 C.F.R. 403.7), the combined wastestream formula (40 C.F.R. 403.6(e)), and/or a Fundamentally Different Factors variance (40 C.F.R. 403.13) after the Industrial User submits the report required by Section 4.1(a) of these Regulations, any necessary amendments to the information required by paragraphs (f) and (g) of this section will be submitted by the Industrial User to the District within 60 days after the modified limit is approved.

(h) Other Information. Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

The Director will evaluate the data furnished by the Industrial User and may require additional

information. After evaluation and acceptance of the data furnished, the Director may issue an Industrial Discharge Permit subject to terms and conditions provided herein.

3.4 Permit Conditions

Sewer Connection Permits and Industrial Discharge Permits shall be expressly subject to all provisions of these Regulations and all other applicable regulations, User charges, and fees established by the District and/or the relevant Town. In addition, Industrial Discharge Permits shall contain the following:

- (a) The unit charge or schedule of User charges and fees for the wastewater to be discharged to the Facility;
- (b) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in CFR Part 403, categorical pretreatment standards, local limits, and State and local law;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules (but in no event may a compliance deadline in a Permit be later than a National Categorical Pretreatment Standard compliance deadline);
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintenance and retention of records relating to wastewater discharges as specified by the District, and affording the Town's and District's access thereto;
- (i) Requirements for advance notification to the Town and District of any change in operations, new introduction of wastewater constituents, or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater disposal system;

(j) Requirements to control and notify the District of slug discharges, if determined by the District to be necessary.

(k) A statement of Permit duration in accordance with Section 3.6 hereof, which shall (in no case be more than five years);

(l) A statement of Permit non-transferability without, at a minimum, prior notification to the District and provision of a copy of the existing control mechanism to the new owner or operator in accordance with Section 3.7 hereof;

(m) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule, in accordance with Section 7 hereof. Such schedules may not extend the compliance date beyond applicable federal deadlines;

(n) Other conditions as deemed appropriate by the District to ensure compliance with these Regulations.

3.5 Industrial Discharge Permit Modifications

(a) Necessitated By Promulgation of National Categorical Pretreatment Standard: Within ninety (90) days of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of Industrial Users who are subject to such Standards shall be revised to require compliance with such Standard within the time frame prescribed by such Standard. An Industrial User with an existing Industrial Discharge Permit shall submit to the Director within one hundred eighty (180) days after the effective date of an applicable National Categorical Pretreatment Standard the baseline report required by Section 4.1(a) of these Regulations and 40 C.F.R. 403.12.

(b) Necessitated By Change in Wastewater Discharge: Any Industrial User which proposes to introduce a change in the nature, characteristics or constituents of its wastewater, or which proposes to increase the daily volume, strength, or rate of its permitted discharge by ten percent (10%) or more shall, no less than thirty (30) days prior to said proposed change or

increase, apply, on a form prescribed by the Director, for a modification to its Industrial Discharge Permit. Any User which proposes to introduce a change in the volume or characteristics of its wastewater which will cause it to become an Industrial User shall apply for an Industrial Discharge Permit, as prescribed in Section 3.2 of these Regulations. After evaluation and acceptance of the data furnished, the Director may modify the Industrial User's Industrial Discharge Permit, subject to the terms and conditions provided herein.

(c) Necessitated By Change In Applicable Limitations or Requirements: The terms and conditions of an Industrial Discharge Permit issued hereunder may be subject to modification by the Director during the duration of the Permit as the limitations or requirements of these Regulations are modified or amended. The Industrial User shall be notified of any proposed modifications or amendments to its Industrial Discharge Permit at least thirty (30) days prior to the proposed effective date of such modification. Any modifications or amendments to the Industrial Discharge Permit shall include a reasonable time schedule for compliance therewith, but no compliance deadline therein shall be later than the deadline for compliance with an applicable National Categorical Pretreatment Standard.

3.6 Duration of Industrial Discharge Permits

Industrial Discharge Permits shall be issued for a specified time period not to exceed three (3) years. An Industrial Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. An Industrial User shall apply for Industrial Discharge Permit reissuance, on a form prescribed by the Director, at least ninety (90) days prior to the expiration of the Industrial User's existing Permit. Sewer Connection Permits are exempt from this reapplication requirement, as long as the subject connection has been constructed, effected, and maintained in accordance with said Permit. Any modification, increase in flow, or change in use of said connection is not exempt and shall be the subject of a Sewer Connection Permit application pursuant to Section 3.1.

3.7 Industrial Discharge Permit Transfer

Industrial Discharge Permits are issued to a specific Industrial User for a specific operation. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the approval of the Director, which must be obtained at least thirty (30) days in advance of the proposed transfer date. No such approval shall be granted absent submission to the Director of a written agreement between the existing and proposed new permittee which sets forth the date for and terms of the transfer of the Industrial Discharge Permit and all responsibilities, obligations, and liabilities thereunder. Any succeeding owner or Industrial User shall comply with the terms and conditions of the existing Industrial Discharge Permit and all of the terms and requirements of these Regulations.

3.8 District Sewer Connection Specifications

With respect to connection of a building sewer into a sewer interceptor owned by the District:

(a) The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing code or other applicable rules and regulations of the District and relevant Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(b) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a District sewer interceptor.

(c) The connection of the building sewer into the District sewer interceptor shall conform to the requirements of the Building and Plumbing code or other applicable rules and regulations of the District and relevant Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections

shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director and the Town before installation.

(d) The applicant for a Sewer Connection Permit for a connection into a District sewer interceptor shall notify the Director and the Town when the building sewer is ready for inspection and connection to the District sewer interceptor. The connection shall be made under the supervision of the District or its representative.

(e) 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 property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the Town.

(f) All costs and expenses incident to the installation and connection of the building sewer to the District's sewer interceptor shall be borne by the owner. The owner shall indemnify the District and the Town from any loss or damage that may directly or indirectly be occasioned by the installation or connection of the building sewer.

3.9 Review of Industrial Discharge Permit Decisions

The Director shall provide all interested persons with notice of final decisions concerning Industrial Discharge Permit issuance and transfer. Any person, including the Industrial User to whom the Industrial Discharge Permit was issued, may petition the Director for review of the Industrial Discharge Permit issuance, modification, or transfer decision within thirty days of the date on which the decision was issued. Failure to submit a timely petition for review shall be deemed to be a waiver of Industrial Discharge Permit review.

A petition for review must set forth the Industrial Discharge Permit provisions or decision objected to, the reasons for the objection, and the alternative provisions, if any, which the petitioner seeks to have included in the Industrial Discharge Permit. The District shall conduct the Permit review in accordance with the procedures set forth at Section 6.5 of these Regulations. The effectiveness of an Industrial Discharge Permit shall not be stayed pending the

District's review, but the Industrial Discharge Permit provisions objected to (other than those relating to achievement of compliance deadlines established under National Categorical Pretreatment Standards, National Prohibited Discharge Standards, and Local Discharge Limitations) will be stayed pending the District's review. The decision of the District concerning the petition for review shall be a final administrative action.

SECTION 4. - REPORTING REQUIREMENTS,
MONITORING, AND INSPECTIONS

4.1 Reporting Requirements

(a) Baseline Report: Within one hundred eighty (180) days following the effective date of a National Categorical Pretreatment Standard, an existing Industrial User subject to said Standard and currently discharging to or scheduled to discharge to the Facility shall submit to the Director a report as prescribed in 40 C.F.R. 403.12(b), which shall include the information required under Section 3.3 (a) - (h) of these Regulations. This report shall be signed and certified pursuant to 40 C.F.R. 403.12(l) by an Authorized Representative of the Industrial User, and shall contain a statement certified by a qualified professional engineer 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 for the Industrial User to meet the Pretreatment Standards and Requirements.

At least ninety (90) days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Director a report which contains the information required in Section 3.3 (a)-(h) of these Regulations. Reports by New Sources shall include information on the method of pretreatment the New Source intends to use to meet applicable Pretreatment Standards. The report shall be signed and certified pursuant to 40 C.F.R. 403.12(l) by an Authorized Representative of the Industrial User and shall contain the certification

described above.

(b) Compliance Schedule Progress Reports: If the certification statement described in paragraph 4.1(a), above, states that additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards and Requirements, the Industrial User shall submit to the Director a compliance schedule as described in paragraph 3.3(g) hereof. Not later than fourteen days following each date in the compliance schedule and the final date for compliance, the Industrial User shall submit a progress report to the Director as prescribed at 40 C.F.R 403.12(c) stating, at a minimum, whether or not the Industrial User complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for the delay; and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director.

(c) Compliance Deadline Report: Within 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 Facility, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the District a report containing the information described in Section 3.3 (d) - (f) of these Regulations. For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the Industrial User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report will include the Industrial User's actual production during the appropriate sampling period.

(d) Periodic Reports on Continued Compliance:

(1) Any Industrial User subject to a categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New

Source, after commencement of the discharge into the Facility, shall submit to the District during the months of June and December, unless required more frequently in the Pretreatment Standard or by the District, EPA, or DEP, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution preventions alternative), the User shall submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (d) of Section 3.3 of these Regulations, except that the Town and or District may require more detailed reporting of flows. At the discretion of the Town and or District and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Town and or District may agree to alter the months during which the above reports are to be submitted.

(2) Where the District has imposed mass limitations on Industrial Users as provided for by 40 C.F.R. 403.6(d), the report required by Section 4.1(d)(1) of these Regulations shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.

(3) For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 C.F.R. 403.6(c), the report required by Section 4.1(d)(1) of these Regulations shall contain a reasonable measure of the Industrial User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production

(or other measure of operation), the report required by Section 4.1(d)(1) of these Regulations shall include the Industrial User's actual average production rate for the reporting period.

(e) Reports by Significant Industrial Users Not Subject to Pretreatment Standards:

Any Significant Industrial User which is not subject to categorical Pretreatment Standards or Requirements shall submit to the Director, during the months of June and December (unless required more frequently by the Director), a report as prescribed under 40 C.F.R. 403.12(h) describing the nature, concentration and flow of those pollutants specified by the Director. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the District to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report and in accordance with the techniques described in CFR part 136 and amendments thereto. This sampling and analysis may be performed by the District in lieu of significant non-categorical Industrial User.

If an industrial user subject to this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

(f) Notification of Hazardous Waste Discharge: (i) An Industrial User shall notify the Director, the Town, the EPA Regional Waste Management Division Director, and the Director of DEP's Division of Solid and Hazardous Waste, in writing, of any discharge into the Facility of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification shall include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the Facility, the notification shall contain the following information to the extent such information is known and readily available to the Industrial User: an identification

of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.

All existing Industrial Users must file such notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic waste. Any notification under this Section 4.1(f) need be submitted only once for each hazardous waste discharged. However, all Industrial Users must notify the Director in advance, in accordance with Section 3.5(b) of these Regulations, of any change in their wastewater discharge.

- (1) The notification requirement set forth herein does not apply to any pollutants already reported under the self-monitoring requirements set forth in Sections 4.1(a), (b), (c), (d) and (e), above.
- (2) Industrial Users are exempt from the requirements of Section 4.1(f)(1), above, during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous waste as specified in 40 C.F.R. 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the Director, the Town, the EPA Regional Waste Management Waste Division Director, and the Director of DEP's Division of Solid and Hazardous Waste, of the discharge of

such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this Section 4.1(f), an Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(g) Notifications of Potential Problems: All Users shall notify the Facility immediately of all discharges that could cause problems to the Facility, including any slug loadings by an Industrial User.

(h) Reports by Industrial Users Not Subject to Pretreatment Standards: The Director shall require appropriate reporting from those Industrial Users with discharges that are not subject to Pretreatment Standards or Requirements.

i) The reports required in paragraphs (a), (c), (d), and (e) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The District shall require that the frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

4.2 Monitoring and Analysis

The reports required in Sections 4.1 and 3.3(d) and (e), supra, and such other reports as the Director may require under these Regulations, shall contain the results of all sampling and analysis of the User's discharge, whether or not conducted more frequently than required by the Director, including the flow and the nature and concentration of pollutants contained therein which are limited by applicable Pretreatment Standards and Requirements.

Grab samples must be used for pH, cyanide, total phosphorus, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportioned composite sampling or grab sampling is authorized by the District. Where time-proportioned

composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. 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 composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

For sampling required in support of baseline monitoring and 90-day compliance reports required in 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 organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The District may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the Industrial User demonstrates that this will provide a representative sample of the effluent being discharged. For the reports required by 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.

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.

The sampling and analysis may be performed by the District in lieu of the Industrial User, in which event the Industrial User will not be required to submit the compliance certification set forth in Section 4.1(a), above. In addition, where the District collects all of the information required for the report, including analytical results and flow data, the Industrial User is not required to submit the report or compliance certification required therein.

If the Industrial User's sampling indicates a violation, the User must notify the Director within 24 hours of becoming aware of such violation. The User must also repeat the sampling and analysis, and submit the results of the repeat analysis to the Director within ~~thirty~~ (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if District performs sampling at the User's facility at least once a month, or if District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or District receives the results of this sampling, or if District has performed the sampling and analysis in lieu of the Industrial User. The Industrial User is not required to resample, however, if the Director performs sampling at the Industrial User at a frequency of at least once per month, or the Director performs sampling at the Industrial User between the time when the Industrial User performs its initial sampling and the time when said User receives the results of the sampling.

The frequency of monitoring shall be prescribed in the Industrial Discharge Permit and, for Industrial Users subject to National Categorical Pretreatment Standards, shall not be less frequent than prescribed in Section 4.1(d). All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act and contained in 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants 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 using

validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Director or other parties, approved by the EPA.

4.3 Recordkeeping Requirements

Any Industrial User subject to the reporting requirements set forth in Section 4.1, *supra*, shall maintain records of all information resulting from any monitoring activities required there under including documentation associated with Best Management Practices. Such records shall include, for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

The Industrial User subject to the reporting requirements established in Section 4.1 (including documentation associated with Best Management Practices) shall be required to retain copies of all such records and reports of monitoring activities and results for a minimum of (3) years, and shall make such records available for inspection and copying by EPA, DEP, and the Director. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the Facility pretreatment program, or when requested by DEP or EPA.

4.4 Monitoring Facilities

The District shall require the User to provide and operate, at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the District may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and

located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to the User by the District.

4.5 Inspection and Sampling

The District and the Town shall each have the authority to inspect the facilities of any User to ascertain whether the purpose and requirements of these Regulations are being met. At least once per year, the District, either jointly with the Town or individually, shall inspect and sample the effluent from each Significant Industrial User. The District and the Town shall also each have the authority to inspect any Domestic Source to ascertain whether the purposes and requirements of these Regulations are being met. Except in cases of imminent endangerment, as described in Section 6.1 hereof, the Town (through its designee) shall be provided with informal notice of, and shall accompany the Director on, any inspection of a Domestic Source.

Persons or occupants of premises where wastewater is created or discharged shall allow the Town and or District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any of their duties. The Town, District, Division, and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force which would 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, personnel from the Town, District, Division, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

4.6 Confidential Information

In accordance with 40 C.F.R. 403.14 and 314 C.M.R. 2.11, any information and data concerning a User which is contained in or obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and inspections shall be available to the public and governmental agencies without restriction, unless the User specifically claims, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Any such claim of confidentiality must be asserted at the time of submission in the manner prescribed on the application form or instructions or by stamping or writing the words "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information. If no claim is made, the Director may make the information available to the public without further notice.

Notwithstanding any claim of confidentiality, any information and data provided to the Director which is effluent data, as defined at 40 C.F.R. 2.302 (including, but not limited to, wastewater constituents and characteristics), shall be available to the public without restriction. All other information and data shall be available to the public at least to the extent provided by 40 C.F.R. 2.302.

Information accepted by the Director as confidential shall not be made available for inspection by the public, except as provided by 40 C.F.R. 2.302, but shall be made available upon written request to governmental agencies for uses related to these Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, DEP permit, and the industrial pretreatment program; provided, however, that such portions of a report shall be available for use by the Town, State or any state agency, the District, or by the United States or EPA in criminal or civil judicial or administrative enforcement proceedings involving the User.

SECTION 5. - FEES

5.1 Charges and Fees

It is one of the purposes of these Regulations to provide for the recovery of costs from persons who use the Town of Bellingham Sewerage System and the District's wastewater disposal system in order to implement the programs established herein. The Town and District may adopt charges and fees which may include:

- (a) fees for reimbursement of the costs of setting up and operating the District's pretreatment program;
- (b) fees for monitoring, sampling, inspections, and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for Permit applications and modifications;
- (e) fees for consistent removal (by the District) of pollutants otherwise subject to National Categorical Pretreatment Standards;
- (f) fees for Sludge disposal;
- (g) other fees as the District may deem necessary to carry out the requirements contained herein.

5.2 Assessment of Charges and Fees

The applicable charges or fees for the items enumerated in Section 5.1, above, shall be set from time to time by the Town of Bellingham, or District, and shall be assessed via the District's Agreements for Wastewater Treatment Services or other contracts with municipalities or other Users, or on a fee-for-specific-service basis, in accordance with a schedule duly adopted by the District and annexed hereto as Schedule B.

SECTION 6. - ENFORCEMENT

6.1 Imminent Endangerment

The Director or the Town's designee may immediately halt or prevent any discharge of pollutants which reasonably appears to present an imminent endangerment to the health or welfare of persons. In the event that the Director or the Town's designee determines that a discharge of pollutants reasonably appears to present an imminent endangerment to the health or welfare of persons, the Director or the Town's designee shall provide informal (oral or written) notice of said determination to the discharger. Said discharger shall immediately stop or eliminate such discharge and shall submit written proof of the elimination of the discharge to the Director and the Town's designee within forty-eight (48) hours of receipt of notice of the Director's or Town designee's determination. If said person fails voluntarily to halt such discharge, the Director or the Town's designee shall take such actions as he or she deems necessary to prevent or minimize endangerment to the health or welfare of persons. Such actions include, but are not limited to, seeking ex parte temporary injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, severance of the sewer connection, suspension of wastewater disposal service, suspension or revocation of a Sewer Connection Permit or Industrial Discharge Permit, and institution of legal action. The Director or the Town's designee shall provide informal, telephoned notice each to the other of any such action. After such discharge has been halted, the Director or the Town's designee may take such other and further actions provided under this Section as may be necessary to ensure elimination of said discharge and compliance with the terms of these Regulations and any Sewer Connection Permits or Industrial Discharge Permits issued hereunder.

6.2 Harmful Discharges to the Facility

The Director and the Town shall each have the authority, in accordance with the procedures set forth in Section 6.5, infra, to halt or prevent any discharge of pollutants to the Facility which:

- (a) presents or may present an endangerment to the environment;
- (b) threatens to interfere with the operation of the Facility;

- (c) threatens to cause the Facility to violate any condition of its NPDES permit; or
- (d) is otherwise in violation of these Regulations, applicable state or federal regulations, or the terms, conditions, and requirements of any Sewer Connection Permit or Industrial Discharge Permit issued hereunder.

6.3 Revocation of Permit

Any User who violates the following conditions of these Regulations, or applicable state and federal regulations, is subject to having its Sewer Connection Permit or Industrial Discharge Permit revoked in accordance with the procedures set forth in Section 6:

- (a) Failure of an Industrial User to report factually the wastewater constituents and characteristics of its discharge;
- (b) Failure of a User to report significant changes in its operations, or the constituents and characteristics of its wastewater;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the User's Permit.

6.4 Administrative Enforcement Proceedings

The District may conduct administrative enforcement proceedings to enforce compliance with these Regulations and the provisions of any Permit issued hereunder with respect to all Users of the Facility. The District may authorize a Town to conduct an administrative enforcement proceeding, in accordance with this Section 6, with respect to violations of the provisions of any Sewer Connection Permit issued to any User located within said Town. In any administrative enforcement proceeding conducted by a Town pursuant to any such authorization by the District, the Town and its designee shall perform the activities and employ the Notice of Violation, Compliance Order, Order to Show Cause, and Show Cause Hearing procedures set forth in Sections 6.5 and 6.6 of these Regulations, and shall provide notice of all such activities and procedures to the Director.

6.5 Notices of Violation, Compliance Orders, and Orders to Show Cause

Whenever the Director determines that any person has caused a discharge of pollutants described in Section 6.2 or has engaged in conduct prohibited in Section 6.3 above, in violation of these Regulations, applicable state and federal regulations, or any Permit issued hereunder, the Director shall serve upon such person, either personally or by mail, a written notice stating the nature of the violation. In addition, said Notice of Violation shall contain one or both of the following:

(a) Compliance Order: The Director may issue a Compliance Order directing the person to take specified actions to comply with these Regulations or the provisions of any applicable Permit within a time schedule set forth by the Director. The Compliance Order may provide for the assessment of penalties as provided in Section 7, infra, and may provide that the person's wastewater disposal service and/or Industrial Discharge Permit shall be suspended pending submission of proof satisfactory to the Director that specified violations of these Regulations or the Permit have been abated or corrected.

(b) Order to Show Cause: The Director may order the person to show cause before the District Commission why the proposed enforcement action should not be taken. Any such Show Cause Hearing shall be noticed and conducted in accordance with the provisions of Section 6.6, infra.

6.6 Show Cause Hearing

(a) Notice Requirements: A notice shall be served on the person specifying the time and place of a hearing to be held by the District regarding the violation, the proposed enforcement action, the reasons why the action is to be taken, and directing the person to show cause before the District why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service must be made on an Authorized Representative of a corporation.

(b) Conduct of the Hearing

The District shall conduct the hearing and take the evidence, or may designate any of its members or the Director to:

- (1) Issue in the name of the District notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take evidence;
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the District for action thereon; and
- (4) Take any further necessary action as permitted by these Regulations or applicable contracts or agreements.

(c) Testimony Recorded Under Oath

At any hearing held pursuant to these Regulations, testimony taken must be under oath and recorded, either stenographically or by voice recording. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(d) Orders: After the District has reviewed the evidence, it may issue an order to the person responsible for the discharge directing that, following a specified time period, its wastewater disposal service be discontinued or its Industrial Discharge Permit be revoked unless adequate treatment facilities, devices, or other related appurtenances have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated so as to correct or eliminate the discharge. Further orders and directives as are necessary and appropriate may be issued.

6.7 Legal Action

If any person discharges sewage, industrial wastes, or other wastes into the Facility contrary to the provisions of these Regulations, any applicable federal, state, or local

pretreatment requirements, the conditions and requirements of any Sewer Connection Permit or Industrial Discharge Permit issued hereunder, or any order of the Director or District, the District's counsel may commence an action for appropriate legal and/or equitable relief in either state or federal court.

SECTION 7. - PENALTIES AND COSTS

Any person who violates an Order of the District or fails to comply with any provisions of these Regulations or the orders, rules, compliance schedules, and Permits issued hereunder, may be assessed a civil penalty of up to Five Thousand Dollars (\$5,000) per day of violation. A criminal penalty may also be sought, consistent with state law. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

In addition to the penalties provided herein, the District may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate legal action against the person found to have violated these Regulations or the orders, rules, compliance schedules, and Permits issued thereunder.

SECTION 8. - SEVERABILITY

If any provision, paragraph, word, section, or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 9. - CONFLICT

All other regulations, ordinances and bylaws, and any parts thereof, which are inconsistent or conflict with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict.

SECTION 10. - EFFECTIVE DATE

These Regulations shall be in full force and effect from and after the tenth day following their filing with the Town of Bellingham Town Clerk.

APPROVED this **19** day of **Nov.**, 20**18**

Bellingham Board of Selectmen **Unanimous vote of the Board 11/19/2018**

Michael Soter

Dan Spencer

Cynthia McNulty

APPROVED

Schedule A Local Discharge Limitations

CHARLES RIVER POLLUTION CONTROL DISTRICT

SUMMARY OF LOCAL LIMITS

Effective as of March 12, 2020

Parameter	Daily Limit mg/L	Parameter	Daily Limit lb/d ¹	Max Monthly lb/d ¹
Cyanide	0.23	Biological Oxygen Demand (BOD) ²	3,148	761
Arsenic	1.02	Total Suspended Solids (TSS) ²	5,473	1,287
Cadmium	0.06	Total Ammonia - Nitrogen (NH ₃) ²	564	409
Chromium	3.48	Total Phosphorus (TP) ²	278	229
Copper	1.05			
Lead	0.08			
Mercury	0.03			
Nickel	0.79			
Selenium	0.14			
Silver	0.35			
Zinc	1.32			
Oil & Grease	150			
pH	5 - 12 s.u.			

¹ lb/d = pollutant concentration (mg/L) x Flow (MGD) x 8.34 (conversion factor)

² Total available loading for all Industrial Users. The sum of all allocations must not exceed the total permitted loading for all Industrial Users. Allocations are given to each Industry on an individual basis.

SCHEDULE B

Charges and Fees

The development of the permitting system will generate revenues, although small, from fees for industrial discharges and fines to problem industrial users which will offset some of the annual costs for the District's Industrial Pretreatment Program.

FEES

Long Form permits for significant industrial users will be \$500 every two (2) years.

Short Form permits for other industrial users will be \$150 every three (3) years.

No Discharge permits for non-discharging industrial users will not have a fee and are valid for a five (5) year period.

FINES

The maximum civil penalty for violation of the sewer use regulation allowed by state law is \$5,000, per violation per day.

TOWN OF BELLINGHAM
SEWER USE REGULATIONS
PART III

FOR ALL PROPERTIES CONNECTED TO THE
BELLINGHAM PUBLIC SEWER SYSTEM

X

TOWN OF BELLINGHAM SEWER USE REGULATIONS

PART III

REGULATIONS GOVERNING THE USE OF PUBLIC SEWER, THE INSTALLATION AND CONNECTIONS OF BUILDING SEWERS, SEWER EXTENSIONS, AND THE DISCHARGE OF WATERS AND WASTES IN THE PUBLIC SEWER SYSTEM; AND PROVIDING USER RATES, FEES AND PENALTIES FOR VIOLATIONS OF SAID REGULATIONS, IN THE TOWN BELLINGHAM, NORFOLK COUNTY, COMMONWEALTH OF MASSACHUSETTS.

FOR ALL SEWER USE ISSUES RELATED TO ALLOWABLE WASTE DISCHARGE CHARACTERISTICS OR PRETREATMENT, PARTS I AND II OF THESE REGULATIONS SUPERSEDE PART III.

Be it ordained and enacted by the Board of Water and Sewer Commissioners of the Town of Bellingham, of the Commonwealth of Massachusetts, as follows:

ARTICLES 1 - DEFINITIONS

"Board" shall mean the Town of Bellingham Board of Water and Sewer Commissioners, or the elected or appointed committee that has taken over the responsibility of the Commissioners, and any agent or officer duly authorized to act in its place.

"Building Drain" shall mean that part of the lowest piping of a drainage system which receives the discharge of wastewater from the walls of the building and extends to ten (10) feet outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house or building connection.

"City" shall mean the City of Woonsocket, Rhode Island, or any duly authorized officer, agent or representative thereof.

"District" shall mean the Charles River Pollution Control District or any duly authorized officer, agent or representative thereof.

"Drain layer" shall mean private contractor who has obtained a Drain Layers License from the Board.

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

"May" is permissive (see "Shall").

"Natural Outlet" shall mean any outlet, including

storm sewers into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Person" shall mean individual, firm, company, association, society, corporation, partnership, group, trust, authority, municipality, organization or any political subdivision, other than the Town of Bellingham.

"Public Sewer" shall mean a common sewer controlled by a governmental agency or public entity, such as the Town of Bellingham.

"Sanitary Sewer" or "Sewer" shall mean a conduit that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

"Sewage" shall mean the used water of a community. The preferred term is "wastewater".

"Sewer Extension" is any sewer installed by a private person that upon acceptance by the Board will become the responsibility of the Board, and/or the extension of any sewer that has been brought onto private property by a person other than the Town and will remain the responsibility a private person.

"Sewer Specifications" shall mean the Town of Bellingham, Massachusetts, Bellingham Water and Sewer Commission Service Connection Specifications, and all amendment thereto.

"Shall" is mandatory (see "May").

"Storm Drain" (sometime termed "storm sewer") shall mean a conduit for conveying storm water, ground water, surface water, or unpolluted water from any source.

"Superintendent" shall mean the Superintendent of the Water and Sewer Department of the Town of Bellingham or his authorized deputy, agent, or representative.

"Town" shall mean the Town of Bellingham Massachusetts or any duly authorized officer, agent or representative of the Town of Bellingham.

"Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water

that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sewers and wastewater treatment facilities provided.

"Wastewater" shall mean the used water of a Community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that are not admitted intentionally.

"Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent.

"Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometime used as synonymous with "Waste Treatment Plant" or "Wastewater Treatment Plant" or "Water Pollution Control Plant".

"Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE 2 - USE OF PUBLIC SEWERS REQUIRED

- A) It shall be unlawful to discharge directly to any natural outlet within the Town of Bellingham, or in any area under the jurisdiction of said Town, any wastewater or other polluted water, without the applicable local, state and federal discharge permits.
- B) Except as hereinafter provide, it shall be unlawful for property owners to construct or repair any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where a public sewer is available to the property and where permission to enter such sewer can be obtained from the authority having jurisdiction over it.
- C) The owners 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 sewer of the Town, are hereby required at

their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these regulations within ninety (90) days after of receipt of official notice from the Board of Health of the Town of Bellingham acting under the provisions of Title 5 of the State Environmental Code for the Commonwealth of Massachusetts, Minimum Requirements for the "Subsurface Disposal of Sanitary Sewage" or regulations relative thereto, provided that the public sewer is available to the property. Said connections shall be made without exception, unless for reasons as determined by the Town of Bellingham Board of Health.

- D) Where a public sewer is not available under the provisions of Article 2 Paragraph (A), the building sewer shall be connected to a private wastewater disposal system complying with the requirements of the Board of Health of the Town.

ARTICLE 3 - PROHIBITED CONNECTIONS AND DISCHARGES

A) GENERAL PROHIBITIONS

Prohibited discharges are described in detail in Part I and Part II of these regulations.

B) UNPOLLUTED WATERS

No person shall make connection of roof downspouts, foundation drains, area drains, or other sources of surface runoff, groundwater, or non-contact cooling water to a building sewer or building drain, which in turn is connected directly to the public sewer. If such a connection is found the person(s) making such connection will be required to disconnect it immediately and will be fined in accordance with Article 7 of these regulations.

ARTICLE 4 - PROTECTION FROM DAMAGE

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is apart of the wastewater facilities. Any person violating this provision shall be subject to all civil or criminal penalties as provided by Massachusetts General Laws and Article 7 of these regulations.

ARTICLE 5 - CONNECTION TO PUBLIC SEWER

A) PERMITS REQUIRED

- i) No person shall uncover (excavate), make any connections to, start any work related to making any connection to, make any opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Board. Any person who performs the above activities without a permit, shall be subject to penalties as set forth in Article 7 of these regulations.
- ii) Any person performing excavation work in streets, sidewalks, parkways, and other property of the Town will be required to obtain a Street Opening Permit from the appropriate authority, before a sewer permit will be granted.
- iii) If a Commonwealth of Massachusetts, Department of Environmental Protection, Sewer Extension Permit is required. No local sewer permit will be issued until the State permit has been granted.

B) SEWER CONNECTIONS CLASSIFICATIONS

- i) There shall be two (2) types of sewer connections, Building Sewer Connections and Sewer Extension.
- ii) There shall be two (2) classes of building sewer connection permits: residential and non-residential. The permit application forms related to these permits appear in Appendix D.
- iii) Any person, who owns a parcel on which the existing building sewer is already connected to the public sewer, who plans to added additional buildings to the parcel shall be required to apply for a sewer extension permit and pay all fees related to such a permit.
- iv) Any person, who owns a building which is already connected to the public sewer, who plans to add an addition to the building shall be required to apply for a sewer extension permit and pay all fees related to such a permit.
- v) Any person, who owns land abutting a sewer line installed as part of the Town sewer project but could not be assessed a sewer betterment who wishes to connect to the public sewer shall apply for a building connection.

C) BUILDING SEWER INSTALLATION

- i) A drain layer must submit a permit application to the Superintendent, and the drain layer submitting the applications must complete the connection. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit application fee which shall include the routine costs associated with the inspection of the building sewer installation, by the Superintendent, shall be paid to the Town at the time the application is filed.
- ii) 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 in any way be constructed to the rear building. In this case, the front building sewer may be extended to the rear building and the whole considered as one building sewer. The Town does not and will not assume any obligation or responsibility for damage caused or resulting or if the Board decide it is in the Towns best interest to allow such from any such single connection aforementioned.
- iii) Existing (old) building sewers may be used in connection with new building sewer construction only when they are found, on examination and tests by the Superintendent, to meet all requirements of these regulations. The cost of any such tests required to confirm or disavow the acceptability of an existing building sewer, shall be the responsibility of the building owner.
- iv) The minimum size, minimum slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the Sewer Specifications, the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of the American Society of Testing Materials (ASTM), the Water Pollution Control Federation (WPCF) Manual of Practice No. 7 "Operation and Maintenance of Wastewater Collection System", WPCF Manual of Practice No. FD-5 and the American Society of Civil Engineers (ASCE) Manuals Reports in Engineering Practice No. 60 "Gravity Sanitary Sewer

Design and Construction" and WPCF Manual of Practice No. FD-4 "Design of Wastewater and Storm water Pumping Stations" shall apply.

- v) Whenever possible, the building sewer shall be installed to the building at an elevation below the basement floor. A person owning the building may request that the drain layer install the building sewer to connect to his existing building drain. As the building drain may be above the cellar floor, the property owner must sign a form indicating that he has authorized the drain layer to install the pipe above the cellar floor. Acceptability of the connection of the new building sewer to the existing building drain must be in compliance with the plumbing code.
- vi) All connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. Non-approved materials will be required to be removed at the expense of the applicant.
- vii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the wastewater carried by such building drain shall be pumped by an approved means and discharged to the building sewer or public sewer. Shop drawings of proposed pumping equipment must be submitted to the Superintendent for approval, and the Plumbing Inspection Department of the Town. In general, force main piping for individual lots will not be installed in the Town property. Building sewer connections which require pumping unit, and therefore force main installation, may be required to install a manhole on private property at the end of the force main. This manhole shall comply with the sewer specifications and Article 5 Paragraph (G)(iv).
- viii) The drain layer shall have a sketch of the as-built building sewer connection available at the time of the inspection or before he received a permit to construct any other sewer connections. The sketch shall be on an 8 1/2" x 11" sheet of paper.
- ix) Should the Drain Layer fail to complete the work on a project, the property owner shall take full responsibility for acceptable completion of the work and preparation of the as-built sketch. The Town takes no responsibility for costs incurred by the property owner because a Drain layer has not

completed the installation or submitted an as-built drawing.

D) SEWER EXTENSION INSTALLATION

- i) Sewer Extension Permit Applications:
A drain layer shall submit a sewer extension permit application to the Superintendent, and the drain layer submitting the applications shall complete the connection. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A sewer privilege will be paid to the Town for each sewer extension. Five percent of the estimated privilege fee must be paid as a deposit at the time of application. In order to determine the privilege fee all applications must contain the number of residential units and bedrooms, or for non-residential units, flow estimates and building size and use, so that the number of equivalent single family units can be determined by applying the Section 3 of the Bellingham Betterment Assessment Regulations. No application will be reviewed or acted upon until the five percent deposit has been received.
- ii) Sewer extensions which do not require the installation of any piping that will eventually become the responsibility of the Town, will be treated as a building sewer as noted in Article 4 Paragraph (C), with the exception of the payment of a privilege fee.
- iii) The minimum size, minimum slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the sewer specifications, and all other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications defined in Article 5 Paragraph (C)(iv) shall apply.
- iv) All sewer extensions will be required to install a sewer service pipe to the property line of each parcel the extension passes in route to its end. The end service pipe will be located with field ties and a wooden witness stake extending to six inches below the finished ground surface, and utility marking ribbon will be installed from the stub end to the ground surface.

- v) The Board may require additional service stub be brought to the property line of parcels the extension passes should the parcel have a frontage which would allow subdivision in accordance with the Bellingham Zoning By-Laws.
- vi) The Board may require that the designed size, slope, and alignment of proposed sewer extensions be changed to allow the extension to service other parcels in the future.
- vii) The length of the sewer extension shall be decided by the person by whom the licensed drain layer has been contracted. However, the use of easements over private property shall be keep to a minimum and avoided whenever possible.
- viii) No pumping stations or lift station units will be allowed that will ever become the property of the Town. Pump stations that appear in the design of any sewer extension, must be on property that is private and that will remain private. The Board must approve any pumping unit installed. Shop drawings must be submitted with the application for a sewer extension that intends to utilize sewer pumping units.
- ix) As-Built drawings with location ties for; all manholes, service stubs, and other features; elevation of: sewer manhole inverts, and rims; and depth to the top of service stubs; must be submitted upon the completion of the extension and before the extension is accepted.
- x) Sewer Extension inspection fee may be required. Said fee will be paid by the drain layer, or person that hired him, into an account from which the Board will pay inspectors deem necessary by the Board to assist the Superintendent in the inspection process. Said inspectors will have no responsibility except to observe the installation of the extension and report to the Superintendent on the level of compliance with these regulations by the drain layer performing the work. Upon acceptable completion of the extension and receipt of the as-built drawings, the Board will release any funds remaining in the account. If before completion of the extension the account reaches a zero balance, additional funds must be added to the account by the drain layer, or person that hired him, sufficient to cover all costs for inspection. If the cost to inspect has exceed the funds in the account, the sewer extension permit will be revoked and no wastewater will be allowed to enter

the public sewer from the extension.

- xi) The Board shall accept all sewer extensions as part of the Town's sewer system immediately after the testing is complete, the installation accepted and the as-built drawings are received. Any person discharging wastewater into the Town's facilities before an extension is accepted will be subject to penalties as set forth in Article 7 of these regulations.
- xii) Repair and maintenance of all facilities installed as part of a sewer extension shall be the responsibility of the person who installed the facilities for a period of one year from the date of acceptance or the first day wastewater flows through the extension into the Town facilities.

E) UNACCEPTABLE SEWER CONNECTION

No wastewater flow of will be allowed into the public sewer through a building sewer or sewer extension until the building sewer or sewer extension is deem acceptable. If a person shall allow wastewater flow into the public sewer through an unacceptable building sewer or sewer extension, that person shall be subject to penalties as set forth in Article 7 of these regulations, and the drain layers license will be immediately revoked.

F) COST AND LIABILITY FOR SEWER INSTALLATION

All costs and expenses incidental to the installation of a building sewer connection and sewer extension shall be borne by the person who has hired the drain layer. Said person shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer or sewer extension.

G) SUPERINTENDENT'S AUTHORITY

- i) The Superintendent has the right to update the sewer specifications at his discretion. Any permit application must comply with the sewer specifications that were in effect on the date the application was approved.
- ii) The Superintendent has the right to reject the application for any sewer work if the plans and specifications submitted do not meet the Sewer Specifications and/or his approval.

- iii) The Superintendent has the right to request additional information or changes in proposed plans for construction of any sewer connection.
- iv) The Superintendent has the right to require, at his discretion, any building, existing or proposed, to construct, as a part of their building sewer connection, and at every building sewer connection to the public sewer where said building has more than one connection, a manhole. The manhole, located adjacent to the public sewer, with frame and cover brought to grade, and just upon the owner's property, will be constructed for the purpose of allowing the Superintendent the ability to enter upon said property to inspect the constituents in and quantity of flow being discharged to the public sewer. This manhole must conform to the requirements and sewer specifications and will be part of the sewer connection permit, and will be subject to the inspection and approval of the Superintendent.
- v) The Superintendent has the right to immediately suspend the drain layers license of any drain layer that has done any of the following:
 - (a) Has performed work that is in violations of these regulation;
 - (b) Has performed work that is not in compliance with any special conditions or requirements set down in the permit for sewer connection;
 - (c) Has misrepresented any portion of his drain layers application;
 - (d) Has not maintained the insurance coverage required by these regulations;
 - (e) Has done work that has caused three (3) individuals to submit written complaints to the Board. Such a suspension shall be in place until a hearing can be held by the Board at which time the Board may reinstate or permanently revoke said license.
- vi) The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter, at reasonable times, all private properties connected with public sewers for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations.
- vii) The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identifications shall be permitted to enter private properties through which the Town holds

an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

H) LICENSING AND RESPONSIBILITY OF DRAIN LAYERS

- i) A person who wishes to obtain a Drain Layers License must complete an application form, complete the insurance requirements, and pay the license application fee. The application form appears in Appendix D.
- ii) Drain Layers Licenses will expire on the date set down on the approved applications and this expiration (renewal) date will be determined in accordance with the expiration date of the required insurance as indicated on the certificates of insurance submitted as part of the application and renewal process.
- iii) A Drain Layer who wishes to maintain a Drain Layers License must submit updated certificates of insurance and pay an annual renewal fee. If a license is not renewed within 365 days of the expiration date, it cannot be renewed. A new application must be completed and applied for before the license is reissued.
- iv) The application form will require that the person applying for a Drain Layer License submit information which the Superintendent and Board can use to review the drain layers ability to construct sewer connections. If an application is not filled out completely, is not legible, or is denied for any reason, it will be returned to the applicant with his application fee.
- v) Insurance Requirements:
 - a. The person submitting an application for a Drain Layers license shall procure and maintain at their sole expense and until revocation or non-renewal of the license, insurance as hereinafter enumerated in policies written by insurance companies admitted in the Commonwealth of Massachusetts, and acceptable to the Town.
 - b. All insurance policies shall be subject to the

Town's final approval as to policy form.

- c. The Drain Layer shall not receive a license until the insurance as required by these regulations has been obtained, until copies of policies and/or original insurance certificates have been submitted to the Town, and until the General Indemnity Summary attached in Appendix B is signed and dated by the Drain Layer.
- d. The Town shall be given at least 30 days written notice of cancellation, non-renewal, or material change of the required insurance coverage. Copies of policies, certificates and required written notice shall be sent to the Department. To insure such notice the Town shall be named as co-insured on all policies.
- e. Policies for Workers' Compensation and Employer's Liability Insurance, Commercial General Liability Insurance or Comprehensive General Liability Insurance, and a Business Automobile Policy are require of all Drain Layers to be issued and maintain their licenses. Minimum Limits and Specifications for these policies are attached in Appendix A.
- vi) The Board will have the sole power and authority to grant and revoke drain layers licenses.
- vii) Drain Layers licenses are non-transferable. Drain Layers may not subcontract with a unlicensed subcontractor to complete any work for which a permit has been issued.
- viii) A Drain Layer shall not have in his employ any individual who has had a Drain Layer's License revoked by the Board. Should such an individual be found installing sewer connections in Town while working under another Drain Layers license, the Drain Layer will be notified of this regulation once. Upon a second offense the Drain Layer will have his license immediately suspended by the Superintendent, pending review or possible revocation by the Board.
- ix) The Drain Layer must insure that all excavations for sewer installations be adequately guarded with barricades and lights so as to protect the public from hazard. The licensed drain layer, and the person who hired him, take full responsibility for his work and all hazards arising from work on public and private property.

- x) A Drain Layer must file all applications for sewer connection permits and must sign the permit confirming his understanding of these regulations and the requirements of the permit.
- xi) The Drain Layer must give the Board a security in the amount of \$500.00. Said security may be in the form of a jointly held bank book, requiring two signatures and also a signed withdrawal slip. The security will be use to cover any cost the Board may encounter regarding the completion of any sewer connection. Said security will be held by the Board as long as the Drain Layer wished to maintain his license. The security will be release to the Drain Layer upon written request and surrender of his Drain Layers license. Under no circumstances shall funds from this security be used to cover any costs incurred by a property owner due to faulty workmanship of the Drain Layer.
- xii) Changes to these regulations must be immediately complied with by all Drain Layers wishing to maintain a valid license with the Town. No permit applications will be accepted from a Drain Layer who has not met the new requirements. Drain Layers who do not wish to maintain their license due to the new requirements, may submit a written notice surrendering their license and may request a prorated portion of their annual renewal fee be returned to them.

I) INSPECTION OF SEWER INSTALLATION

- i) The Drain Layer shall notify the Superintendent, twenty-four (24) hours before starting work and again one (1) hour before a building sewer is ready for inspection. All connections and testing shall be made under the supervision of the Superintendent or his representative, and no backfilling is allowed until all appropriate inspections are made. Excavations that must be left open due to improper notification of the need for inspection shall be the sole responsibility of the Drain Layer.
- ii) Sewer inspections will be performed between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday, excluding any holiday recognized by the latest union contract between the Town and the employees of the Department.
- iii) Sewer inspection may be performed on Saturdays or

Holidays only upon special permission from the Superintendent and payment of an additional fee equal to the overtime cost to the Town to have an employee available for said inspection.

ARTICLE 6 - USER CHARGES & CONNECTION FEE SYSTEM

A) FEDERAL GUIDELINES

- i) Section 204(b) of the Water Pollution Control Act Amendments of 1972 authorizes the Environmental Protection Agency (EPA) to enforce guidelines specifically relating to the implementation of a user charge system for wastewater services. Grantees seeking Federal assistance funds for the construction of wastewater treatment works, which shall consist of all facilities used for the collection, transmission, storage, treatment, and disposal of wastewater, must satisfy the related rules and regulation adopted by EPA and incorporated in Part 35 of Title 40, Code of Federal Regulations (CFR). These rules and regulations provide for a fair and equitable cost allocation system which is designed to offset those operation, maintenance, and replacement costs associated with the treatment works. Because the Board does not wish to jeopardize any possible future funding and because both the District's treatment plant and the City's treatment plant were constructed with Federal assistance, the Bellingham user fees system must comply with all stipulations of said rules and regulations.
- ii) The Board shall determine the method of assessment of the cost of public sewers to sewer users and persons wishing to connect to public sewers in compliance with Federal regulations.

B) DEFINING SEWER USER

- i) User charges as described herein shall be collected from all properties within the Town receiving wastewater services from treatment works operated and maintained by the Board; and the City in accordance with the Wastewater Disposal Service Contract dated June 1988; and District in accordance with the Inter-Municipal Agreement dated March 1984.
- ii) The user charge system described herein shall apply to any properties covered by agreements made between the Town any other municipal agency or district owning and operation treatment works that provide wastewater facility access to properties within the

Town.

C) BILLING AND MONITORING USER CHARGES

- i) All sewer users shall be charged the sewer user rate. The total due for any billing period shall appear on the water and sewer bill sent to the person who is the owner of a connected property.
- ii) Any property that has Town water and sewer service shall be billed for sewer use based on the readings from the water meter installed on the water service line.
- iii) Any property that is not serviced by a Town water and that therefore does not have a water meter shall, upon direction of the Board, install a sewer meter. The sewer meter shall be the same type of meter accepted as a water meter by the Town, and shall be installed in the potable water system at the point at which the potable water enters the building. The piping and meter installation shall be performed by a licensed plumber and inspected by the Superintendent as well as the plumbing inspector. The meter shall be purchased by and the property of the property owner. Any person found to be tampering with a sewer meter shall be punished as in Article 7 of these regulations. The Board may replace said meter at no cost to the property owner if it so chooses. The property owner shall provide free and clear reasonable access to the meter for reading, replacement and testing.

D) SETTING OF SEWER CHARGES AND FEES

- i) The Maximum the Sewer User Rate shall be determined by using the following formula:

$$MSR = \frac{TSC - SR}{Q}$$

MSR= The maximum sewer user rate. (\$/1000 gallons)

TSC= The estimated cost of operation, maintenance and replacement of all treatment works owned by the Town including all costs for operation, maintenance, and replacement invoiced to the Town from the City and District. (\$)

SR = The estimated revenue collected by the Town for sewer related items such as service connection

permit applications fees, and drain layers license application and renewal fees.

Q = The estimated volume of water which passes through the individual water meters of all properties connected to the Town's system. (1000 gallons)

- ii) The Board shall set any rate for sewer use which is less than the MSR calculated above.
- iii) The Board may set a sewer user rate for non-residential properties higher than that for residential properties. However, neither rate cannot exceed the MSR calculated above. *can*
- iv) The Board may elected to charge properties that have sewer service available and do not have Town's water service a fixed semi-annual sewer fee based on the design sewer flow from the connected building(s), in lieu of the requirements of Article 6 Paragraph (C)(iii).
- v) The Board may charge a sewer surcharge to any sewer user that is discharge wastewater which causes an increase in the treatment cost to the Town. Surcharges will be determined separately on a case by case basis. The addition of a surcharge to any properties sewer bill will in no way relieve that property from any other part of these regulations, especially Part I and Part II.
- vi) The Board may establish a minimum charge for sewer use to cover administration of the user fee and billing system.
- vii) The Board shall set fees and charges related to the review, acceptance, and inspection of sewer connection applications and drain layers licenses. These fees shall be determined by the Board as they see fit.
- viii) A public hearing will be advertised and held prior to implementing any change in the user charge and fee system. All current fees and user charges shall appear in Appendix C of these regulations. Said appendix shall be signed and dated by the Board at the time of acceptance or any modification to the user charge and fee system.
- ix) User fees are unrelated to Betterment Assessments. Betterment Assessments are regulated by the

Bellingham Betterment Assessment Regulations which requires Town Meeting Vote to amend.

E) ACTION TO INSURE COLLECTION AND ABATEMENT PROCESS

- i) The Board has the right to terminate water and sewer service to any user who is delinquent in the payment of sewer user charges.
- ii) Sewer abatement requests will be first sent to the Superintendent for review and the present to the Board. Abatement hearings shall be scheduled during regular Board meetings.

F) FEE AND CHARGE COLLECTION

- i) Sewer user charges as determined by this section will be due and payable at the time of receipt of the water and sewer bill. Any account which is not paid within thirty days will be subject to a demand charge of \$5.00 and interest charges starting on the thirtieth day after the bill was mailed at the rate of one and one half percent (1 1/2%) per month (Annual Rate of 18%). Unpaid amounts may be placed as a lien against the real estate to which they apply.
- ii) All building connection application, and drain layer license application, or renewal fees shall be paid at the time of the application or renewal.
- iii) Payment of the Privilege Fee
 - a) The privilege fee will be paid in two payments, called the Deposit and Balance.
 - b) Payment of the Deposit:
The first payment will be the deposit and must be received before the sewer extension permit application will be reviewed. This payment will be equal to five (5) percent of the total estimated privilege fee for the completed extension or \$5,000.00 whichever is less. The Superintendent will determine the amount of the privilege fee and the deposit based on the Bellingham Sewer Betterment Assessment Regulations. If the permit is denied the deposit shall be refunded. If a check is used to pay the deposit and insufficient funds are available at the time the check is cashed by the Town any permit that may have been granted shall be revoked.

- c) Payment of the Balance:
The balance of the fee will appear on the accepted sewer extension permit.
- 1) In the case of a single or two family home the balance may be paid in full or apportioned in accordance with Section 5 of the Bellingham Betterment Assessment Regulations.
 - 2) In the case of an extension servicing a multiple unit subdivision, the balance of privilege fee for the extension may be divided equally among the subdivided units. Units will be defined as in Section 3 of the Bellingham Betterment Assessment Regulations. | For new construction a dollar amount equal to the balance of the fee will be added to the security being held by the Town related to construction of the subdivision. For an existing subdivision the balance of the fee per unit may be paid in full or apportioned to the owners of individual units as described in Section 5 (C) of the Betterment Assessment Regulations.
 - 3) In any case, no sewer connection permits will be approved for a unit which owes a balance on a privilege fee until that balance is paid or apportioned to insure payment.
- iv) Any person as described in Article 5 Paragraph (B)(v) shall be required to pay a connection charge in addition to the building connection application fee before a building connection application is approved.

ARTICLE 7 - ACTIONS AGAINST VIOLATORS

A) ACTIONS AVAILABLE

Whenever on the basis of information available to it, the Town finds any person to be violating any provision of these regulations, the Town may take any or all of the following actions:

- i) Issues an order to cease and desist any such violation;
- ii) Issue an implementation a schedule ordering specific actions to be taken and time schedule;
- iii) Fine said person up to \$ 5,000.00 per day for each violation pursuant to M.G.L. Chapter, 83, as amended;

- iv) Bring a civil or criminal action as provided by law;
- v) Take any action available to it under federal, state, or local laws or regulations.

B) VIOLATOR LIABLE FOR EXPENSES TO THE TOWN

Any person violating the provisions of these regulations shall become liable to the Town for any expense, loss or damage incurred by the Town by reasons of such violation, including but not limited to any fines, charges, or assessments made or imposed on the Town by Federal, State, or Local Agency.

C) SPECIFIC VIOLATIONS

- i) Any person found to be allowing unpolluted water, as described in Article 3 Paragraph (B), or non-metered water, shall be charged a penalty of \$1,000.00 to cover the cost to the Town of treating the unpolluted water.
- ii) Any person found to have a connection to their building drain or building sewer which is discharging or may discharge unpolluted water as described in Article 3 Paragraph (B) shall disconnect said connection no more than two (2) days from the date that the connection is discovered. Failure to discontinue the connection will result in a fine of \$5,000 per day as described in Article 7 Paragraph (A)(iii) above.
- iii) Any person found to be performing work on the sewers without a permit or drain layers license, shall be order to cease and desisted, fined \$5,000.00 and the Board may take civil and criminal action against said person.
- iv) Any person found to have activated a sewer connection before it has been accepted will be fined \$5,000.00 for each day the connection was activated prior to final acceptance. Failure of the Drain Layer to request an inspection does not release the person from this clause. The Drain Layer involved in such a premature activation shall have his drain layers license immediately suspended by the Superintendent.
- v) Any person found to have tampered with or willfully damaged a meter use for the determination of sewer user charges shall be dealt with in accordance with Article III Paragraph 15 "Tampering with Meters or Damage Meters" of the Regulations of the Water

Commissioners of the Town of Bellingham.

ARTICLE 8 - VALIDITY

The invalidity of any section, clause sentence, or provisions of these regulations shall not effect the validity of any other part of these regulations which can be given effect without such invalid part of parts.

ARTICLE 9 - APPEALS

A) BOARD TO ARBITRATE

- i) The Board shall receive appeals for arbitration of differences between the Superintendent and sewer users or drain layers on matters concerning interpretation and execution of the provisions of these regulations by the Superintendent.
- ii) To apply for an appeal the person(s) seeking arbitration must submit a written request for a hearing and in said request set down a full explanation of the differences. A hearing will be set within sixty (60) days of receipt of the written request for said hearing. The Board will render its ruling on any appeal within thirty (30) days of the date on the close of the hearing.
- iii) The Board does not have the authority to act as the arbitrator for any differences which may exist between the sewer user and the pretreatment coordinators described in Part I and II of these regulations.

ARTICLE 10 - CHANGES IN THESE REGULATIONS

A) BOARD'S RIGHT TO AMEND

These regulations may be rescinded or modified or added to by the Board at any time when, in their opinion, such action is in the best interests of the Town, provided all provisions of the Massachusetts General Laws, as amended, have been compiled with.

B) EFFECTIVE UPON PASSAGE

All parts of these regulations shall be in full force and effect after passage, approval or publication as provided by law.

C) PASSAGE SIGNATURES

Passed and adopted by the Water and Sewer Commission
of the Town of Bellingham, State of Massachusetts, on

the 22nd day of February, 1994.

Paul Chappie
Edward G. ...
...
 ATTEST:
Kathleen M. Harvey
 (Town Clerk)

RECEIVED
 TOWN OF BELLINGHAM
 File

94 FEB 23 PM 2:47

OFFICE OF THE
 TOWN CLERK
 Kathleen M. Harvey

Appendix A

5/31/94

Insurance Specification and Limits

Workers' Compensation and Employer's Liability Insurance

The Drain Layer agrees to comply with the Workers' Compensation laws of the Commonwealth of Massachusetts and to maintain a Workers' Compensation and Employer's Liability policy.

Workers' Compensation Limits shall be:

Workers' Compensation	Statutory MA Benefits
Employer's Liability	\$500,000 each accident \$500,000 policy limit

Commercial General Liability Insurance and/or
Comprehensive General Liability Insurance

The Drain layer shall provide either:

- a. Commercial General Liability Insurance that includes "products / completed operations insurance". "Blasting" operations coverage will also be provided if, the exposure exists or arises during the work.

or
- b. Comprehensive General Liability Insurance endorsed to provide coverage for "broad form property damage", "broad from contractual liability", explosion, collapse or structural injury to property of others including underground utility facilities, "contractor's protective liability" and "products / completed operations insurance".

The General Liability limits shall be:

Bodily Injury and Property Damage (Combined Limit) of \$500,000 each occurrence and aggregate.

Business Automobile Policy:

The Drain Layer shall provide a Business Automobile Policy providing liability insurance which shall include coverage for all owned, non-owned, leased, and hired vehicles.

8/19/84

APPENDIX A
PAGE TWO

The Business Automobile Liability Limits shall be:
Bodily Injury and Property Damage (Combined
Limit) of \$500,000 each occurrence and
aggregate.

Any responsibility for payment of any sums resulting from any
policy deductible provisions, and/or policy premium audit
provision shall remain with the Drain Layer.

It is expressly understood that the Town does not in
any way represent that the specified limits of liability or
coverage or policy forms are sufficient or adequate to
protect the interest of liability of the Drain Layer.

Approval of any insurance by the Town shall not in any way
relieve or decrease the liability of the drain layer under
these insurance requirements.

APPENDIX B

General Indemnity Agreement

I, _____ requesting to be a Licensed Drain Layer shall compensate the Town for all damages of any nature to the property of the Town arising out of my work as a Drain Layer.

I shall indemnify, defend and save harmless the Town (and its elected and appointed officials, employees, and agents) for any and all suits, actions, liabilities, interest, attorney fees, costs and expensed of whatsoever kind or nature, whether arising during or following the effective license time and in any manner directly or indirectly caused, occasioned or contributed to in whole or in part by reason of any act, error or omission, fault or negligence whether active or passive by me, or any one acting under my direction, control or on my behalf in connection with or incidental to my work as a Drain Layer or performance thereof.

I agree that this agreement will be in full effect until such time as I request to no longer hold an Drain Layers License or until said license is revoked.

SIGNED _____ DATE _____

DRAIN LAYER'S NAME & ADDRESS

APPENDIX C

RATES AND FEES

Until amended by vote public hearing and Board vote the following shall apply:

1. The sewer user rate shall be \$1.80/1000 gallons.
2. The minimum charge for sewer user rates shall be \$30.00 or the user rate for 16,667 gallons per six month billing period.
3. The Building Connection Applications Fee shall be \$100.00.
4. The Drain Layers License Application fee shall be \$100.00.
5. The Drain Layer Annual Renewal fee shall be \$50.00.
6. The Privilege Fee, related to sewer extensions, shall be determined by the Bellingham Betterment Assessment Regulations which were accepted and may be amended by Town meeting vote.
7. The Connection Charge shall be determined by the Bellingham Betterment Assessment Regulations which were accepted and may be amended by Town meeting vote.

SEE WATER AND SEWER RATES

<https://www.bellinghamma.org/departments-public-works/pages/water-sewer-rates-fees-and-charges>

APPENDIX D

CONTENTS:

- 1) BELLINGHAM RESIDENTIAL BUILDING SEWER CONNECTION PERMIT APPLICATION.
- 2) BELLINGHAM NON-RESIDENTIAL BUILDING SEWER CONNECTION PERMIT APPLICATION.
- 3) BELLINGHAM WATER & SEWER DEPARTMENT APPLICATION FOR SEWER EXTENSION PERMIT.
- 4) DRAIN LAYERS LICENSE APPLICATION FORM

SEE SEWER APPLICATIONS

<https://www.bellinghamma.org/departments-public-works/pages/water-sewer-connection-application-forms>

APPROVED

Appendix E
TOWN OF BELLINGHAM
CRPCD SEWER CAPACITY ALLOCATION PROCEDURE

Revisions accepted on the **19** day of **Nov**, 2018, by a majority of the Board of Selectmen.

Regular meeting of the Selectmen 11/19/2018

This section does not apply to properties that have a gravity sewer stub from a sewer extension project completed before date this revision is accepted. For Five years from the date of acceptance, the Board of Selectmen will hold in reserve a quantity of capacity for these properties.

I. All property owners that do not have a gravity sewer stub from a completed extension and seek obtain rights to CRPCD Sewer Capacity must complete the "CRPCD Sewer Capacity Allocation Application" form.

II. CRPCD Sewer Capacity Allocation Application Review and Approval:

A. Existing Residential Single Family Home applications will be reviewed by the Department of Public Works ("DPW") Director or designee. If there is adequate remaining capacity and if said connection is technically feasible, the DPW Director will review and act on the application without vote of the Board of Selectmen.

B. Proposed (New Construction) Residential Properties will be initially reviewed by the DPW Director or designee.

1. Individual Single Family Homes or Duplex Homes in areas where Town sewers are installed within the roads on which said homes are to be built, if there is adequate remaining capacity and if said connection is technically feasible, the DPW Director will review and act on the application without vote of the Board of Selectmen

2. All Others (Subdivisions, Apartments, Multi-family, Condominium, and Single Family Homes) in areas that are not presently served by a gravity sewer and Existing & Proposed Non-Residential Properties, applications will be reviewed by the DPW Director and the request forwarded to the Board of Selectmen for a vote with a recommendation from the DPW. The criteria used to evaluate such requests shall include but not be limited to: (i) impact to available capacity (ii) protection of water resources; (iii) low impact development and smart growth standards; (iv) consistency with targeted areas under the Comprehensive Water Resource Management Plan and Final Environmental Impact Report EOE #11602 issued under the Mass Environmental Project Act (here in after CWRMP/FEIR); and (v) consistency with Town master plan, housing plan and other delineated planning goals.

a) The application should be submitted in coordination with initial development plan submittals to the Planning Board or Zoning Board.

b) The applicant must file a Notice of Project Change (NPC) to the

Town's CWRMP/FEIR. If the NPC is denied or any subsequent FEIR change related to the application for capacity is denied under the Mass Environmental Project Act, the application for capacity will be denied.

c) All Non-Residential Properties that apply must also obtain a CRPCD Industrial Discharge Permit or written documentation from CRPCD that an Industrial Discharge Permit is not required.

- III. Allocated Capacity shall be for the parcel or parcels comprising the proposed development and noted in the application form. Approval for capacity is not transferrable to another parcel(s). No application for capacity allocation will be accepted in speculation for a parcel(s) or entity not planned for immediate development or connection.
- IV. In exercising their discretion hereunder, the Selectmen may approve, reject or partially approve any request for allocation. The Selectmen may also impose reasonable conditions upon any allocation of capacity.
- V. All properties granted CRPCD capacity by the DPW Director or Selectmen under the provisions of Paragraph II hereof must connect to the sewer within six months of the date of the DPW Director's approval or Selectmen's vote. Up to two six month extensions can be granted by the DPW Director if request for extensions are received in writing prior to the end of the connection period.
- VI. The Privilege Fee for sewer CRPCD capacity allocated shall be \$1.00 per gallon per day for capacity allocated. One half of the building(s)'s Title 5 septic design daily flow shall be considered as the allocated capacity for calculation of the Privilege Fee.
 - A. The Privilege Fee must be paid to the Town within 30 calendar days of the applicants receipt of an approve application. Approval shall be rescinded should the applicant fail to submit the Privilege Fee payment within 30 calendar days of the applicants receipt of an approve application.
 - B. No Privilege Fee is required for any property that was assessed a sewer betterment or sewer connection fee related to a Town sewer project.
- VII. Any property owner that has paid a Privilege Fee and fails to put forth a good faith effort to connect to the Town sewer within 18 months of the allocation of capacity (*initial 6 months with two extensions*) shall risk forfeiture of the Privilege Fee and rights to allocated capacity. The Board of Selectmen, in their sole discretion shall determine whether an applicant's efforts qualify as good faith efforts.
- VIII. Applicants that are allocated CRPCD capacity are in no way released of any other Federal, State, and/or local regulation or requirement applicable to connecting to the public sewer. Nor shall anything herein be construed as governing the process for obtaining a sewer extension permit.