

TOWN OF MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN

acting as

BOARD OF SEWER COMMISSIONERS

SEWER REGULATIONS

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these Regulations shall be as follows:

Sec. 1. "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended
(33 U.S.C. 1251, et. seq.)

Sec. 2. "Authority" shall mean the Board of Selectmen acting as the Board of Sewer Commissioners of the Town of Manchester-by-the-Sea, or their authorized deputy, agent or representative.

Sec. 3. "Authorized Representative of Industrial User" shall mean either: (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; or (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 discharge of wastewater originates.

Sec. 4. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/L)).

Sec. 5. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 6. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 7. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 8. "DEP" shall mean the Massachusetts Department of Environmental Protection.

Sec. 9. "Domestic Wastewater" shall mean normal water-carried household and toilet wastes discharged from any improved property, excluding ground, surface or stormwater.

Sec. 10. "EPA" shall mean the Environmental Protection Agency of the U.S. Government.

Sec. 11. "Excessive" shall mean amounts or concentrations of any constituent of a wastewater which in the judgement of the Town will cause damage to any wastewater facility, which will be produced in excessive quantities in the sludge generated at the Wastewater Treatment Plant, which will be harmful to a wastewater treatment process, which cannot be removed in the wastewater treatment works of the Town to the degrees required to meet the NPDES permit limits or the classification standard of the receiving water, which can otherwise endanger life, limb, the environment or public property, or which can constitute a nuisance.

Sec. 12. "Facilities" shall include structures and conduits for the purpose of collecting, treating, neutralizing, or disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of structures and conduits including treatment and disposal works, necessary intercepting, outfall, and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

Sec. 13. "Garbage" shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food and from the handling, storage and sale of produce. It is composed largely of putrescible organic matter and its natural moisture content.

Sec. 14. "'Improved Property" shall mean any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure domestic wastewater and/or industrial wastes shall be or may be discharged.

Sec. 15. "Incompatible Pollutant" shall mean any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified in the permit, which the POTW was not designed to treat and does not remove to a substantial degree.

Sec. 16. "Industrial Establishment" shall mean any room, group of rooms, building or other enclosure used or intended for use in the

operation of one (1) business enterprise for manufacturing , processing, cleaning, laundering, assembling or preparing any product, commodity or article or from which any process waste, as distinct from domestic wastewater, may be discharged.

Sec. 17. "Industrial User" shall mean a manufacturing, processing, or other non-residential facility (such as hospitals, commercial laundries, and tank and barrel cleaning operations) which discharges non-sanitary industrial wastes into a public sewer.

Sec. 18. "Industrial Wastes" shall mean the liquid or solid wastes from industrial processes, trade, or business, as distinct from sanitary sewage.

Sec. 19. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations); Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, or more commonly referred to as the Resource Conservation and Recovery Act (RCRA), 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.

Sec. 20. "Invert" shall mean the bottom inside of the sewer pipe.

Sec. 21. "National Categorical Pretreatment Standard" or "Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the U. S. Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to Industrial Users.

Sec. 22. "National Pollution Discharge Elimination System (NPDES) Permit" shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Sec. 23. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or

groundwater.

Sec. 24. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any improved property.

Sec. 25. "Pass Through" means a discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Sec. 26. "Person" shall mean any individual, firm, company, association, society, corporation or group, or any Federal, State or local governmental agencies or their representatives, or other entity.

Sec. 27. "pH" shall mean the logarithm to the base 10, of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Sec. 28. "Pollutant" shall mean any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of the POTW or its receiving waters.

Sec. 29. "POTW (Publicly Owned Treatment Works)" shall mean the treatment works operated by the Town and its agents, including any devices and systems, whether owned by the Town or under its control, used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature and also including without limiting the generality of the foregoing, the Town's Wastewater Treatment Plant and appurtenances, the sewers, pipes, pumping stations and other devices conveying wastewater to the treatment plant, and sludge processing systems whether operated by the Town directly or by a contractor or agent of the Town.

Sec. 30. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Sec. 31. "Property", "Parcel", or "Lot" shall mean an area of land as marked on the assessment drawings in the office of the Town Assessor, Town of Manchester-by-the-Sea, Massachusetts.

Sec. 32. "Public Sewer" shall mean a sewer in which all owners of

abutting properties have equal rights, and is controlled by public authority.

Sec. 33. "Receiving Water Quality Standards" shall mean the Massachusetts Water Quality Standards, as provided by M.G.L. Chapter 21, Section 27.

Sec. 34. "Receiving Waters" shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or ground water receiving discharge of wastewaters.

Sec. 35. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec. 36. "Septage" shall mean the wastes, primarily of sewage origin, that are removed from a cesspool, septic tank, or similar receptacle.

Sec. 37. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sec. 38. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 39. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sec. 40. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 41. "Shall" is mandatory; "May" is permissive.

Sec. 42. "Significant industrial user" or "significant user" shall mean any industrial user of the Town's POTW who (i) has a discharge flow of five thousand (5,000) gallons or more per normal operating day, or (ii) discharges wastes containing toxic pollutants as defined pursuant to Section 307 of the Act or (iii) is found by the Town, DEP or the EPA to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the systems effluent quality, or air emissions generated by the system.

Sec. 43. "Slug Loading" shall mean:

(1) Pollutants which create a fire or explosion hazard in the POTW;

(2) Pollutants which will cause corrosive structural damage to the

POTW, but in no case discharges with Ph lower than 5.5.

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference.

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutants concentration which will cause Interference with the POTW.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 C (104 F).

Sec. 44. "Spill" shall mean the release, accidental or otherwise, of any material not normally released to the facilities, which by virtue of its volume, concentration or physical or chemical characteristics, creates a hazard to the facilities, their operation or their personnel. Such characteristics shall include, but are not limited to, volatile, explosive, toxic, or otherwise unacceptable materials.

Sec. 45. "Storm Drain" or "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 46. "Superintendent" shall mean the Director of Public Works of the Town, or his authorized deputy, agent or representative.

Sec. 47. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering, and are referred to as non-filterable residue in the laboratory test procedures prescribed by the EPA

Sec. 48. "Town" shall mean the Town of Manchester-by-the-Sea, Massachusetts.

Sec. 49. "Toxic Pollutant" shall mean a pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA.

Sec. 50. "Unpolluted Water" shall mean water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

Sec. 51. "User" shall mean any person who contributes, causes, or permits the contribution of sewage into the public sewer or sewage works.

Sec. 52. "Wastes" shall mean substances in liquid, solid or gaseous form which can be carried in water.

Sec. 53. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 54. "Well" shall mean a private source of water utilized by a person.

ARTICLE II

BUILDING SEWERS AND CONNECTIONS

Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, or use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Authority. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Authority at least forty-five (45) days prior to the proposed change or connection, and in the case of industrial users, apply or reapply for an Industrial Sewer Discharge Permit.

Sec. 2. The Authority shall establish a Schedule of Connection Fees. The owner or his agent shall make application on a special form furnished by the Town. The permit applications shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Superintendent.

Such plans and specifications shall be prepared by a Registered Professional Engineer. All permit applications requiring an application under 314 CMR 7.00 Massachusetts Sewer System Extension and Connection Permit Program shall be prepared by a Registered Professional Engineer. All costs incurred by the Authority in reviewing applications and supporting information shall be borne by the applicant.

Sec. 3. All costs and expenses incident to the installation and connections of a building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of a building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, if approved by the

Authority.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Authority, to meet all requirements of these Regulations.

Sec. 6. The building sewer shall be polyvinylchloride sewer pipe (minimum SDR 35), ASTM Specifications D3034-88 and F679-86. Joints shall be tight, gasketed and waterproof. Cement mortar joints will not be permitted.

Sec. 7. The size and slope of the building sewer shall be subject to the approval of the Authority, but in no event shall the diameter be less than four (4) inches, nor less than the main building drain, whichever is larger. The slope shall not be less one-quarter (1/4) inch per foot. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with manholes, as approved by the Authority.

Sec. 8. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12-64, except that no backfill shall be placed until the work has been inspected.

Sec. 9. All joints and connections shall be made watertight. Joints for polyvinylchloride sewer pipe shall conform to ASTM specifications D3212-86 and F477-76 (1985). All joints between pipe and metals shall be made with approved premolded gasket material.

Sec. 10. The connection of the building sewer into the public sewer shall be made at the "Y" or "T" branch, if such branch or tee is available at a suitable location.

If no branch or tee is available, a connection may be made by tapping the existing sewer by an approved method, then inserting a vitrified clay "Y" or "T" saddle all encased in concrete.

Sec. 11. No person shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 12. The applicant for the building sewer permit shall notify the Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Authority or its representative.

Sec. 13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. A road opening permit is required for all work within a public right of way.

Sec. 14. In the event a well is a source of a person's water and the person is connected to the public sewer, said person shall install and connect a meter, at his expense, in a manner satisfactory to the Town, from which the Town may monitor the use of the sewer.

ARTICLE III

USE OF THE PUBLIC SEWERS

Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

Sec. 2. Any user with basement plumbing contributing sewage into the public sewer or sewage works is required to install a backflow preventor immediately downstream of the plumbing fixtures

Sec. 3. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Authority. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Authority, and after receipt of all appropriate State and Federal discharge permits, to a storm sewer, or natural outlet.

Sec. 4. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, paint thinner, turpentine or other flammable or explosive liquid, solid, or gas.

(b) Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the POTW.

(c) Any water or waste with a pH lower than 5.5 or in excess of 8.5 unless specifically permitted by the Authority, or having

any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

(d) 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 sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair and fleshings, entrails and paper or styrofoam dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

(e) Any liquid or vapor having a temperature higher than one hundred and four (104) degrees F. (40 degrees C).

(f) Any substance which will cause the Authority to violate its NPDES and/or State Permit or the receiving water quality standards, or otherwise violate any federal or state law, regulation, or administrative rule or order.

(g) Any substance which may cause the system effluent or any other product of the system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the sludge disposal process. In no case, shall a substance discharged to the system cause the Authority to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines or regulations effecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State Criteria applicable to the sludge management method being used. In no case shall a substance discharged to the sewer system cause the Authority to incur additional expense for the handling, treatment or disposal of wastewaters or sludge because of the nature of characteristics of the discharged substance.

(h) A user may not introduce into any public sewer any pollutant(s) which cause Pass Through or Interference.

Sec. 5. No person shall discharge or cause to be discharged the following described substances, materials, water or wastes:

(a) Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or sludge of the Sewage Treatment Plant or to exceed the limitation set forth in a Categorical Pretreatment Standard or National requirement. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act (33 U.S.C. 1347).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not having a maximum concentration in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between thirty two degrees (32 F) and one hundred fifty degrees (150 F). (0 - 65 degrees C)

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Authority.

(d) Any waters of wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Authority for such materials.

Except where expressly authorized to do so by an applicable categorical pretreatment standard, 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 a categorical pretreatment standard. Mass limitations may be imposed on Users when determined by the Authority to be appropriate.

(f) Any waters or wastes containing phenols, or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Authority as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable State or Federal regulations.

(h) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers' earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as but not limited

to, dye substances and vegetable tanning solutions).

(3) Unusual BOD, Chemical Oxygen Demand, or chlorine demand requirements in such quantities as to constitute a significant load on the Sewage Treatment Plant.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(i) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the Sewage Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge of the receiving waters.

Sec. 6. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 and 4 of Article III of these Regulations or have a deleterious effect upon the sewage works, processes, equipment or receiving waters or sludges, or which causes the Town to violate any condition of its NPDES Permit, or which cause the Town to violate any Federal or State law, regulation or order, or which otherwise create a hazard to life or constitute a public nuisance, the Authority may, in addition to the remedies set forth in Articles VI and VII.

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge;
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section VIII or this Article; and/or
- (e) Require the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements.

If the Authority permits the pretreatment or equalization of waste flows, the design, installation, or modification of the plants and equipment shall be subject to the review and approval of the Authority, and subject to the requirements of all

applicable codes, by-laws, regulations, and laws.

Sec. 7. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Authority, and shall be located as to be readily and easily accessible for cleaning and inspection.

At times directed by the Authority, Superintendent or his designated representative shall cause the interceptor to be inspected. The owner shall have the interceptor accessible and shall have personnel on-site at the directed time to do all mechanical work to facilitate the inspection. A fee established by the Authority shall be paid at the time of the inspection.

Sec. 8. 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.

Sec. 9. When required by the Authority, the owner of any property 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 wastewater. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Authority. 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 to the Town personnel.

Sec. 10. All industries discharging into a public sewer shall perform such monitoring of their discharge as the Authority may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping record and making the results of such monitoring available to the Town.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these Regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, EPA test methods listed in 40 CFR 136, or suitable procedure adopted by the EPA, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted

methods to reflect the 24-hour, flow proportioned representative characteristics of the user's discharge, and the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH, oil grease, chromium (+6) or volatile compound measurements are determined from periodic grab samples. Monitoring and analysis of effluent to determine compliance with national categorical pretreatment standards must be done as specified in the appropriate federal regulation.

Sec. 11. All Industrial Users shall obtain an Industrial Sewer Discharge Permit from the Massachusetts Department of Environmental Protection. All new facilities or facilities under new ownership shall obtain and Industrial Sewer Discharge Permit before connecting to or contributing to the POTW. Industrial or Commercial Users required to obtain an Industrial Sewer Discharge Permit shall file a copy of the Permit with the Town. An Industrial Sewer Discharge Permit shall not be reassigned or transferred or sold to a new owner, any category or new User, different premises, or a new or changed operation without the approval of the Authority. Upon approval of the Authority, any succeeding Owner or User shall also comply with the terms and conditions of the existing permit.

ARTICLE IV

PROTECTION FROM DAMAGE

Sec. 1. 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 immediate arrest under charge of disorderly conduct.

ARTICLE V

POWER AND AUTHORITY OF INSPECTORS

Sec. 1. The Authority and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, reviewing and copying records, reviewing procedures and testing in accordance with the provisions of these Regulations. These provisions shall be liberally construed to permit an inspector to evaluate compliance with these

regulations.

Sec. 2. While performing the necessary work on private properties referred to in Article V, Section 1 above, the Authority or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damages to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, Section 9.

Sec. 3. The Authority and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage works lying within said property.

ARTICLE VI

ENFORCEMENT

Sec. 1. The Authority may suspend the wastewater treatment service when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, causes the Town to violate any condition of its NPDES Permit, or causes the Town to violate any federal or state law, regulation, or administrative rule or order.

Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Authority shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Authority within 15 days of the date of occurrence.

Sec. 2. Any User who violates the following conditions of these

Regulations or applicable state and federal regulations, is subject to having its permit revoked, after a hearing before the Authority.

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

Sec. 3. At any time the Town Counsel may commence an action for appropriate legal and/or equitable relief in order to halt a discharge in violation of these Regulations, the Town's NPDES Permit, or any federal or state law, regulation, or Town's administrative rule or order, or otherwise to enforce any provision of these Regulations.

ARTICLE VII

PENALTIES

Sec. 1. Any person found to be violating any provision of these Regulations shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person who is found to have failed to cease all violations as defined in Section 1, whether intentionally, unintentionally or accidentally, or who violates any provision of these Regulations or a rule or regulation of the Authority, may after a hearing before the Authority be assessed a civil penalty of up to Five Thousand Dollars (\$5,000.00) per day of violation. In addition, any violation of the Regulations shall be punishable by a fine of Three hundred dollars (\$300.00) per day. As permitted under Article I section 4 (b) (3) of the Town General By-Laws, each day in which any violation shall continue shall be deemed a separate violation for purposes of both the civil penalty and the fine provisions of this Section.

Sec. 3. Any person violating any of the provisions of these

regulations shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

Sec. 4. In exercising its authority to halt or prevent discharges under Article VI Section 1 or in enforcing applicable penalties, the Authority will follow the guidelines of 40 CFR 403.8

Sec. 5. The Authority, pursuant to a filing by Town of a certificate of acceptance of conditions for the issuance of sewer charge lien with the Essex County South Registry of Deeds, may place a lien upon the property or premises for which Sewer User Charges, Service Charges, fees or penalties are more than 60 days overdue. Notwithstanding such lien any overdue Sewer User Charge of Service Charge may be collected through any legal means.

Sec. 6. Any person who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these Regulations, or Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be penalized according to the established enforcement and penalty provision of these Regulations.

ARTICLE VIII

FEES

Sec. 1. A connection permit and inspection fee established by the Authority shall be paid to the Town at the time the application is filed.

ARTICLE IX

REGULATIONS IN FORCE

Sec. 1. These Regulations shall be in force and effect from and after their passage, approval and publication as provided by law.

ARTICLE X

VALIDITY

Sec. 1. The invalidity of any section, clause, sentence, or provision of these Regulations shall not affect the validity of any other part of these Regulations which can be given effect without such invalid part or parts.

Signatures.