

SEWER RULES AND REGULATIONS

TOWN OF AYER, MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS -WASTEWATER DIVISION

April 2021



PART 1 GENERAL SEWER USE

SEWER RULES AND REGULATIONS

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- Attachment A - Water and Sewer Rate and Fee Schedule**
- Attachment B – Out of Town Connection Policy and Application**
- Attachment C - Application for Sewer Connection**
- Attachment D - Authorized Drain Layers**
- Attachment E – Local Limits**
- Attachment F - Sewer Construction Specifications and Details**

DRAFT

Pursuant to enabling authority in Massachusetts General Laws, or revisions thereto, the following is a Regulation regulating the use of public and private sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof, in the Town of Ayer, County of Middlesex, State of Massachusetts. Be it ordained and enacted by the Select Board of the Town as follows:

SECTION 1 - GENERAL PROVISIONS

1.1 Agreement

These regulations and all subsequent changes, amendments or additions thereto shall be considered a part of the agreement and contract with every sewer customer. Violation of any of those regulations or evidence of fraud or abuse of equipment shall be deemed sufficient cause for fines, penalties or discontinue service as per Massachusetts General Laws.

These rules and regulations have been accepted by the Select Board in their role as Sewer Commissioners and will be in full force and effect as of [REDACTED].

1.2 Purpose and Policy

These regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town and enable the Town to comply with all applicable requirements under Massachusetts and federal law, including, without limitation, the Clean Water Act as amended and the General Pretreatment Regulations promulgated there under at 40 CFR Part 403, the National Pollutant Discharge Elimination System Permit No. MA 0100013 issued to the Town of Ayer, Massachusetts by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection (MADEP); and Massachusetts General Laws Chapter 21 and the Pretreatment Regulations promulgated there under given at 314 CMR 2.00, 7.00 and 12.00.

Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices, and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs, as well as assisting to protect the environment, the Town establishes the following objectives of this Regulation:

A. To promote, consistent with the policy of the federal government:

- The prevention or reduction of pollutants at the source whenever feasible;
- Recycling in an environmentally-safe manner when pollution cannot be prevented;
- Treatment in an environmentally-safe manner of pollution that cannot be prevented or recycled; and
- Disposal or other release into the environment in an environmentally-safe manner only as a last resort.

To encourage the development of these efforts, the Town may:

- Set Town-wide pollution prevention goals;
- Organize an assessment program task force;
- Review data and inspect sites;
- Develop pollution prevention options;
- Conduct a feasibility analysis of selected options; and

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

This Regulation shall apply to all users of the POTW. The Regulation authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.3 Administration

The Select Board, in their role as the Board of Water and Sewer Commissioners, reserve the right to change or amend these rules and regulations, with approval of the Massachusetts Department of Environmental Protection and the EPA where required, and to make additions thereto or exceptions therefrom, at any time without advance notice, and to establish and assess penalties for violations, including the right to suspend or terminate water service.

Except as otherwise provided herein, the Department of Public Works (Department) shall administer, implement, and enforce the provisions of this Regulation. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other Town personnel.

1.4 Abbreviations

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

ASTM – American Society for the Testing of Materials
 BMP- Best Management Practices
 BMR-Baseline Monitoring Report
 BOD - Biochemical Oxygen Demand
 CFR - Code of Federal Regulations
 COD - Chemical Oxygen Demand
 EPA - United States Environmental Protection Agency

gpd - Gallons per day
IDP - Industrial Discharge Permit
I/I- Infiltration/Inflow
mg/L - Milligrams per liter
MADEP– Massachusetts Department of Environmental Protection
MADOT – Massachusetts Department of Transportation
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIC - Standard Industrial Classification
SIU- Significant Industrial User
SNC- Significant Noncompliance
TDS - Total Dissolved Solids
TSS - Total Suspended Solids
USC - United States Code

1.5 Definitions

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

1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. ' 1251 et seq.
2. Approval Authority. The Regional Administrator of the EPA or his duly appointed agent.
3. Authorized Representative of the User. The reports required by paragraphs (b), (d), and (e) of this section shall include the certification statement as set forth in § 403.6(a)(2)(ii), and shall be signed as follows:

(1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section 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 or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which 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 control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a partnership, or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph (1)(1) or (1)(2) of this section if:

(i) The authorization is made in writing by the individual described in paragraph (1)(1) or (1)(2);

(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 Control Authority.

(4) If an authorization under paragraph (1)(3) of this 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 (1)(3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

4. Best Management Practices. The most effective means to accomplish a particular goal.
5. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 ° degrees centigrade, usually expressed as a concentration (e.g., mg/l).
6. Building Drain. That part of the lowest horizontal piping of a drainage system that 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 outside the inner face of the building wall.
7. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.
8. Bypass. The intentional diversion of waste streams from any portion of a wastewater treatment facility.
9. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. ' 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
10. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
11. Commercial Use. Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.

12. Commissioner. The Commissioner of the Massachusetts Department of Environmental Protection, or the commissioner's duly appointed agent.
13. Compatible Pollutant. Those pollutants for which the Town's WWTF was designed to treat.
14. Composite Samples. A combination of individual samples of wastewater taken at preselected intervals.
15. Control Authority. The term Control Authority as used in this Regulation, refers to the Town of Ayer.
16. Department. The Department of Public Works Department representatives designated by the Town to supervise the operation and maintenance of the wastewater collection system and the POTW, and who are charged with certain duties and responsibilities by this Regulation, or a duly authorized representative.
17. Domestic Wastewater or Sewage. Normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water. (See also: Industrial Wastes.)
18. Easement. An acquired legal right for the specific use of land owned by others.
19. Enforcement Response Plan. A document developed by the Town based on Federal and State regulations and guidance which provided Town personnel with guidelines for appropriate enforcement responses and suggested penalties for various types and duration of violations.
20. Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of said agency.
21. Equivalent Residential Unit (ERU). The Equivalent Residential Unit (ERU) for calculating fees associated with sewer connections shall be considered a flow of 330 gpd based on a three bedroom house.
22. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
23. Floatable Oil. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
24. Food Service Establishment. Any facility that cuts, cooks, bakes, prepares or serves food, or which disposes of food-related wastes and/or which has a local, State and/or Federal food service permit.

25. Food Waste. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
26. Food Waste Grinder. A device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the POTW.
27. Force Main. A pipeline without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.
28. Garbage. Any remaining residue or trash, other than food waste, i.e. plastic material and films, paper, cardboard, metal and other non-biodegradable waste resulting from the disposal, handling, preparation or manufacturing of the same. This type of material is not to be disposed of in any form or size to the sewer system, it is best disposed of into a dumpster.
29. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
30. Generator. A facility that causes, creates, generates, stores or otherwise produces waste from on-site process operations, whether domestically or commercially generated, or as a byproduct of some domestic or non-domestic activity. The generator is responsible for assuring that the produced waste is disposed of in accordance with all Federal, State and local disposal regulations.
31. Grease. Fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other non-fatty material from animal or vegetable sources, or from hydrocarbons of petroleum origins, commonly found in wastewater from food preparation and food service. Grease may originate from, but not limited to, discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease containing materials may exist.
32. Grease Interceptor or Grease Trap or Interceptor. A water-tight receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of grease and food particles into the POTW to which the receptacle is directly or indirectly connected and to separate and retain grease and food particles from the wastewater discharged by a facility.
33. Grease Interceptor Waste. Any grease, food particles, organic or inorganic solid or semisolid waste collected and intercepted by a grease interceptor or grease trap, usually in layers of floatable, suspended and settleable substances, which are ultimately removed from a grease interceptor for proper disposal. All layers must be removed for disposal.
34. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the Massachusetts Department of Environmental Protection.
35. Home Owner's Association. A Home Owner's Association (HOA) is an organization of homeowners of a particular subdivision, condominium or planned unit development. The purpose of a home owner's association is to provide a common basis for preserving maintaining and enhancing their homes and property. Most homeowners' associations are

non-profit corporations. They are subject to state statutes that govern non-profit corporations and homeowner associations. The associations provide services, regulate activities, levy assessments, and impose fines. Usually, each member of a home owner's association pays assessments. Those assessments or dues are used to pay for expenses that arise from having and maintaining common property.

36. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition.
37. Incompatible Pollutant. Any pollutant other than biochemical oxygen demand, suspended solids, coliform bacteria or additional pollutants not identified or authorized in the discharge license or permit, which the treatment facility was not designed to treat and does not remove to a substantial degree; or such substances which cause or exert excessive dissolved oxygen demand; or such substances that are toxic to the biological treatment process.
38. Incompatible Wastes. Wastes that have different processing, storage or disposal requirements, or whose mixture would inhibit the proper disposal or treatment of each type of waste, or wastes that if mixed may cause a dangerous chemical or physical reaction, including, but not limited to, grease interceptor waste and grit interceptor waste, grease interceptor waste and septic tank waste, seepage and hazardous waste, or any combination or combinations thereof.
39. Industrial Discharge Permit or IDP. The written permit between the Town and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.
40. Industrial User. A person who discharges industrial wastes to the POTW of the Town.
41. Industrial Wastes or Non-Domestic Wastewater. The wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water.
42. Indirect Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
43. Infiltration. The quantity of groundwater that leaks into a public sewer line or into pipes located on private property that is connected into the public sewer through joints or porous walls or breaks.
44. Inflow. Water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, sump pumps yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, street wash water or street drainage. Inflow does not include, and is distinguished from, infiltration by definition.

45. Inspection Port. Openings with easily opened covers designed to allow inspectors quick access to the inlet flow control device, each compartment of the grease interceptor and the effluent from the interceptor.
46. Instantaneous Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
47. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.
48. Inter Municipal Agreement. Inter municipal agreement is a legal document for the purpose of authorizing one municipality to perform a service for another.
49. Local Limits. Numerical limitations on the discharge of pollutants established by the Town, as distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.
50. May. Means permissive (see "Shall").
51. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, and dialysis wastes.
52. Monitoring Port. An inspection port large enough to allow temporary installation of monitoring devices such as samplers, strip recorders, flow meters or other such measuring and/or monitoring devices.
53. National Pollutant Discharge Elimination System Permit or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
54. National Pretreatment Standard. Any regulation containing pollution discharge limits promulgated by the USEPA in accordance with Section 307 (b) and (c) of the Act (33 U.S. C. 1317) which applies to a specific category of Industrial users.
55. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.
56. Non-Conformance. Any construction that does not conform to the standards and specifications for that project.

57. Normal Domestic Wastewater. Wastewater generated by residential users containing not more than 200 mg/l BOD and not more than 250 mg/l suspended solids.

58. New Source.

- a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or iii. the production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.
- b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - i. Begun, or caused to begin, as part of a continuous on-site construction program
 - ia. any placement, assembly, or installation of facilities or equipment; or ib. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or ii. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- c. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

59. Non-Contact Cooling Water. Water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.

60. Out of Town Sewer Service. Out of Town Sewer Service shall be any extension of the Town sewer pipes to any property outside of the Town of Ayer boundaries. Determination of properties that are located partially in Ayer shall be based on the property address.

61. Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.
62. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.
63. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.
64. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
65. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.
66. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
67. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
68. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical standards as applicable to any significant industrial user subject to the USEPA categorical discharge standards and all applicable local limits.
69. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as identified in Section 2.4 of this Regulation.
70. Properly Shredded Garbage. Wastes from the preparation, cooking, and dispensing of food that have been processed to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than 2-inch in any dimension.

71. Public Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.
72. Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Act (33 U.S.C. ' 1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.
73. Recreational Vehicle or "RV". A mobile vehicle or trailer used for temporary living e.g. a camper or wholly self-contained transport and living unit.
74. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
75. Screening Level. That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.
76. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.
77. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.
78. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the Massachusetts Department of Environmental Protection.
79. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
80. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.
81. Shall. Means mandatory (see "May").
82. Significant Industrial User.
- a. A user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or

b. A user that:

- i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); ii. Contributes a process waste stream that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or iii. Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

- c. Upon determining that a user meeting the criteria in Subsection b.i. or b.ii. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

83. Significant Noncompliance or SNC. 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 sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2.
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- d. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Department's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical

Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- g. Failure to accurately report noncompliance;
- h. Any other violation(s), which may include a violation of Best Management Practices, which the Department determines will adversely affect the operation or implementation of the local pretreatment program.
- i. Any other discharge violation that the Department or Department believe has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- j. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Department's or Department's exercise of its emergency authority to halt or prevent such a discharge;

84. Slug Load or Slug. Means:

- a. Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;
- b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.4 of this Regulation; or
- c. Any discharge that may adversely affect the collection system and/or performance of the POTW.

85. Source Reduction. Any practice that:

- a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
- b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. The term includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "source reduction" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

86. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

87. Storm Drain or Storm Sewer. A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.
88. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
89. Sump Pump. A pump used to remove water that has accumulated in a water collecting sump basin, commonly found in the basement of homes.
90. Superintendent. The person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Regulation, or a duly authorized representative.
91. Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
92. Town: The Town of Ayer, Massachusetts.
93. Treatment Plant, Treatment Works, or Treatment Facility. Any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludges as defined herein.
94. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the POTW.
95. User or Industrial User. A source of pollutants introduced into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.
96. Wastewater. Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
97. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Use of Public Sewers

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Regulation and with State and Federal laws and regulations.
- C. Sewers for Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.
- D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state and local permits have been obtained.
- E. Use of Sanitary Sewers. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water.
- F. Connection to Public Sewers Required. The Owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, Easement, or Right-of-Way in which there is located an Available Public Sewer of the Town, may be ordered by the Town's Board of Health, pursuant to 310 CMR 15.000, to connect such sanitary facilities as they exist or may exist directly with the public sewer in accordance with these Regulations, if necessary. Additionally, Persons with failed cesspools or septic systems shall be required to connect to the public sewer. Any Person failing to connect to the Public Sewer, shall be subject to a fine as provided by M.G.L., c. 83, § 10. Section 2.09. Prohibition No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a fully executed written Sewer Permit from the Department. Any Persons proposing a discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Department least 45 days prior to the proposed change or connection in order to obtain Approval. No Person shall break, cut, or remove any pipe of the POTW, or make or cause to be made any connection to said Sewer except through the connections branches provided for that purpose or by a method approved by the Superintendent where no connection branch exists. No Septage shall be allowed to be directly or indirectly discharged into the POTW.
- G. Use of Storm Drains. Stormwater and all other unpolluted drainage shall be discharged to storm drains. An NPDES permit is required prior to discharging industrial cooling water, process

waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.

- H. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Department will consider the pertinent facts and make a determination. Said determination will be final and binding.
- I. No statement contained in the preceding paragraphs of this Section shall be construed to interfere with any additional requirements that may be imposed by the Department.
- J. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.
- K. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, driveway drains, sump pumps or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- L. No person shall obstruct the free flow of air through any drain or soil pipe.
- M. The Town reserves the right at any time, without notice, to shut off the sewer pipe for the purposes of making repairs, extension or for other necessary purposes.
- N. Agents or representatives of the Town shall have free access, at reasonable times, to all premises supplied with sewer service to determine or verify the manner of sewer use, connections, type of fixtures used which shall be subject to rejection if found to be unsuitable for the purpose, and whether there is unlawful waste.
- O. Duly authorized representatives of the Town may inspect the property or the facilities of any customers (including facilities under construction) to ascertain compliance with these regulations. Customers of premises where sewer pipes are located shall allow properly identified Town representatives ready access, at all reasonable times during normal business hours and at such other times as the Town reasonably suspect that a violation of the regulations may be occurring, to such parts of the premises as would enable the Town personnel to inspect observe, measure, sample and test.
- P. Liability- The Town does not guarantee uninterrupted service. No customer shall be entitled to damages, or to have payment refunded, for any interruption of service for the purpose of additions or repairs to the works.
 - 1. The Town will not be responsible for damages caused by sewer back-up due to failure or plugging of the sewer service between the building and the sewer in the street.
 - 2. Cleaning, maintaining and repairing of building sewers from the building to the property line at the street shall be done at the expense of the property owner, provided there is a manhole or cleanout at the property line. If there is no manhole or cleanout at the property line, the owner shall be responsible for the building sewer from the building to the public sanitary sewer.

2.2 New Sewers and Sewer Connections

- A. All applications for service connections must be made in writing on the form furnished by the Town and available at the Department of Public Works, 25 Brook Street, Ayer, MA. There shall be an application and inspection fee for this service which is designated in Attachments A, B and C.
- B. Applications shall be in accordance with Attachments A, B and C for all sewer connections.
- C. Sewer Connection Permit will also require a Trench Permit and if within the Town Right of Way, a Road Opening Permit, issued by the Department.
- D. Use of an existing sewer connection for new construction on a previously occupied property that is demolished will require a new sewer connection application, inspection of the existing sewer lateral and clean-out by the Department. The owner shall make any changes / improvements to the lateral that the Department requires to meet these regulations. The permit fee will be proportionately based on the Equivalent Residential Units of the new structure compared to the demolished structure.
- E. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Department.
- F. Applications, Permits and Approvals
 - 1. All applications are to be submitted to the Department of Public Works for review and approval. The information will be reviewed by the Department to evaluate availability of sewer services and the impact upon the sewer system.
 - 2. Applications for sewer service and / or a sewer connection from out of town shall be subject to review by the Select Board, a public hearing and a vote of the Town at an Annual or Special Town meeting. Applicant shall submit a application to the Town Manager at least 90 days prior to the approval of the Town Meeting Warrant and pay the application fee in accordance with Attachment A - Water and Sewer Rate and Fee Schedule. An inter-municipal agreement between the Town of Ayer and the Town that the sewer service is located shall be executed prior to connecting to the Town of Ayer sewer system. The Applicant shall be responsible for all costs associated with the sewer extension and connection, including application fees, inspection fees and legal fees. The Applicant shall be responsible for obtaining any additional permits related to the extension of the Out of Town service. All other requirements related to the size, type and location of the sewer connection shall be in accordance with the requirements of the Sewer Rules and Regulations and Department Specifications.
 - 3. For single residential and other small services, the owner(s) or his agent shall make application on a Sewer Connection Permit Application furnished by the Town to allow at least ten (10) business days for review of service connection. Service connection to be installed only after Department approval and payment of all applicable fees. A small service is a service to a facility that is supplied with a 1" or smaller water service line and uses less than 30 gallons per minute of water. An access and inspection fee in accordance

with the provisions of the Utilities Permit Application shall be paid to the Town at the time the application is filed.

4. For large developments, institutional, industrial, large commercial facilities and new sewer main installations, the application shall be made at least sixty (60) business days for review of project proposals before final approval and construction commences. A new Sewer Connection Permit Application shall be submitted if there are any revisions, changes or additional requirements relative to the proposed project. The revised application shall be made to allow at least twenty (20) business days for review before project approval. Access and inspection fees in accordance with the provisions of the Department's Fee Regulation are due to be paid to the Department at the time the application is filed.
 - a. All applications, comments, designs, plans, proposals and revisions thereof are to be submitted to the Department Office.
 - b. The submittal shall be reviewed by the Department. The Department shall submit written review comments, rejections and approvals to the Applicant.
 - c. The Department may, at its discretion, require the additional review of the project by other agencies and departments.
 - d. Projects that require MADEP Engineering review shall be considered for approval by the Department only after such review is completed.
 - i. Discharges < 15,000 gpd need only Town approval.
 - ii. Discharges >15,000 gpd but \leq 50,000 gpd must file a one-time certification statement with MADEP within 60 days after the connection starts to be used.
 - iii. Discharges > 50,000 gpd must obtain a MADEP permit.
 - e. Projects that require review by the Planning Board shall be considered for approval by the Department only after such review is completed.
 - f. Construction of the proposed project shall not initiate until such time as all access and inspection fees are paid and all Department approvals are complete.
 - g. Inspection Fees shall be as per Attachment A.
4. Applications for large developments, institutional, industrial, large commercial facilities and new sewer main installations shall submit the following information:
 - a. Design flow calculations
 - b. Nature of flow
 - c. Design drawings with minimum scales:
 - i. Horizontal 1" = 40'
 - ii. Vertical 1" = 4'
 - d. Design drawings shall include:

- i. Complete site drawings including all utility lines
 - i. Sewer profiles showing all vertical separation of utilities
 - ii. Complete system specifications
 - iii. All appropriate details
- e. Plans must be prepared by a Professional Engineer licensed in Massachusetts.
- f. A detailed design documenting the basis for the selection, sizing, and general design of the infrastructure. This shall include, at a minimum, the number of units and expected flows, factors and assumptions used in sizing sewers, force mains, pump stations, and other infrastructure.
- g. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Department.
- h. A detailed project schedule that clearly identifies the dates or time frames associated with Planning Committee Submittals and Approvals, construct start dates, testing and start-up of infrastructure, acceptance by the Department, and expected commissioning of systems.
- G. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The Department reserves the right to recover costs associated with the review of any submittals, analysis of capacity to serve, inspection, and field-testing and start-up.
- H. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- I. Sewers, manholes, cleanouts and building connections, including low pressure sewers, shall be constructed of such materials and installed in accordance with Attachment F – Sewer Materials, Installation and Testing.
- J. Any person or entity proposing to change, alter, repair add on to or improve their property in any way that will or could impact the Town's sanitary sewer system, or any person or entity proposing to add additional wastewater flow to an existing sewer connection, or any applicant for a new sewer connection at a location in the sewer system where the pipe is hydraulically limited in flow capacity due to existing infiltration and inflow may be required, at the discretion of the Department, to mitigate infiltration /inflow sources that add extraneous water to the Town sewer system thereby reducing the hydraulic capacity of the pipes.

Mitigation of infiltration/inflow, where required, shall be at the rate of 4 gallons of infiltration/inflow removal for each 1 gallon (i.e. 4 to 1) of wastewater proposed to be added to the sewer system. Any infiltration/inflow removed from the sewer system as part of the infiltration/inflow migration requirement shall be verified by a pre-rehabilitation and post rehabilitation testing program adequate to demonstration compliance with the removal requirements of this Section. In addition, any infiltration /inflow removed from the sewer system as part of the infiltration /inflow mitigation requirements shall be the property of the

Town and may not be applied to future removal requirements without the written authorization of the Department.

In any case where infiltration/inflow mitigation is required as a condition for changing, modifying or adding wastewater to the sewer system, the removal of the infiltration/inflow shall be completed prior to the issuance of a new sewer connection permit or modification of an existing sewage discharge permit.

The Town, for good cause shown by an applicant upon petition, has the right to waive or abate this requirement in whole or in part where it is deemed to be in the best interest of the Town to do so.

- K. During construction of a new sanitary sewer by the Town, the Town may construct the service connections for existing buildings to the curb or the property line or the edge of a right-of-way. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Town, its officers, and agents from all loss or damage that may result, directly or indirectly, due to the construction of a building sewer on his premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance, and of reconstruction, if needed of the building sewer and service connection.
- L. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- M. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, other applicable rules and regulations of the Town, and the procedures set forth in Attachment E of this document. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Department before installation.
- N. The applicant for the building sewer permit shall notify the Department when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 3 working days in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Department or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.
- O. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.
- P. No building sewer shall be covered until it has been inspected and approved by the Department. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.
- Q. The Department shall maintain a record of all connections made to public sewers and drains under this Regulation and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. The person making connection to the public sewer shall provide records to the Department and then the Department will sign off on the connection made.

- R. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.
- S. Abandonment of Service. No person shall dismantle or move any building having a service entrance into a public sewer without first notifying the Department and submitting a Cut and Cap Sewer Application. Before the building is dismantled or moved, the entrance of the sewer service into such building shall be sealed with a watertight masonry plug or rubber cap. The seal shall be inspected under the supervision of the Department. If the building sewer is determined to be unserviceable by the Department, the owner shall, at his own expense, remove such service and seal the opening at the public sewer.

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

- A. Plumbers and Private Contractors of established reputation and experience will be licensed by the Superintendent as authorized sewer main and sewer service installers. (Licensed Drain Layer). Attachment D.
- B. The Contractor shall NOT perform any work in, on, under or around streets, sidewalks and property belonging to the Town until a License and Permit Bond and a Certificate of Insurance is approved by the Department and the Contractor has received written notice that they are approved and are on file at the Department.

Approved applicants will renew their Licenses by submitting a revised License and Permit Bond Certificate of Insurance, and License Fee by January 1st of each ensuing year.

2.4 Prohibited Discharge Standards

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

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or for many flammable, combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - 2. Wastewater having a pH less than 6.0 or greater than 9.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that the pH of the influent to the POTW is caused to exceed 9.0;
 - 3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW resulting in interference;

4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW;
 5. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104°F (40°C);
 6. Petroleum oil, non-biodegradable cutting oil, or products of either animal or mineral oil origin, in amounts that will cause interference, pass-through or exceed 50 mg/l in concentration in one 24-hour period and not to exceed 25 mg/l in a 30-day avg. Pretreatment equipment will need to be installed by any business that will be discharging flow contaminated with any of these products listed above in excess of the 25 mg/l concentration.
 7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants, except at discharge points designated by the Department.
 9. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil, battery acid and any type of expired or unused medicines either in liquid or solid form.
 10. Hazardous waste as listed or designated by MADEP.
 11. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
 12. Wastewater that interferes with the treatment plant's disinfection process.
- C. Additional Prohibitions. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Department in a wastewater discharge permit:
1. Wastewater that imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent, thereby violating the Town's NPDES permit;
 2. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 3. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;
 4. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;
 5. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 6. Medical wastes; including unused pharmaceuticals.
 7. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW. The use of any phosphorus based detergents that will be discharged to the POTW is prohibited, unless the discharge is pre-treated to reduce the phosphorus level to less than 1.0 mg/l at the point of discharge;

8. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;
9. Only food waste that is washed off of dishes, food prep areas, floors, etc. from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where food waste originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers, is permitted for disposal to the sewer system. There are to be no food waste grinders discharging to the sewer. All food waste is compostable and offsite disposal, not the sewer system, is the best option for this material;
10. Any garbage, whether it has been shredded or not, is not to be disposed of to the sewer system. This type of material is to be disposed of into a dumpster and hauled offsite for ultimate disposal;
11. Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Section 1.4 of this Regulation;
12. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or
13. Any materials that exert or cause 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).

2.5 Federal Categorical Pretreatment Standards

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

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Department may impose equivalent concentration or mass limitations in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Department shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. The USEPA shall be the Control Authority for industrial users subject to categorical pretreatment standards. As the Control Authority, industrial users are responsible to the EPA for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall provide the Town with copies of any reports to, or correspondence with EPA relative to compliance with the categorical pretreatment standards. The industrial user is responsible for determining the applicability of categorical pretreatment standards. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category. The Town shall provide timely notification to appropriate industrial users of applicable categorical pretreatment standards. Upon promulgation of the federal categorical pretreatment standards for a particular industrial

subcategory, the federal standard, if more stringent than limitations imposed under this Regulation for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Regulation. Compliance with categorical pretreatment standards shall be achieved within one (1) year of the date such standards are effective, unless a shorter compliance schedule is specified in the standards. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the Town's POTW subsequent to the compliance date of such standards unless an amendment to its Industrial Discharge Permit has been issued by the Town.

- E. Section 2 of the Sewer Rules and Regulations are specific to the requirements for Pretreatment of wastewater.

2.6 Local Discharge Restrictions

All persons discharging industrial process wastes into public or private sewers connected to the Town's POTW shall comply with applicable federal requirements and State standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of this Regulation. Local numerical discharge limitations established by the Town as set forth herein (referred to as "local limits"), and all State pretreatment standards and USEPA categorical pretreatment standards shall apply, whichever is most stringent. In developing the list of pollutants of concern for which local limits are established, the Town has considered the allowable headworks loading at the wastewater treatment facility. Pollutants that exceed fifty percent (50%) of their allowable headworks loading at the wastewater treatment facility are considered to be of concern and have resulted in development of local limits. If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.4, 2.5, and 2.6 of this Regulation, which in the judgment of the Department may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Department may: Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;

- Require pretreatment prior to discharge to the POTW (Section 4.0);
- Require control (e.g., equalization) over the quantities and rates of discharge; and/or
- Require payment to cover additional cost of handling and treating the wastes.

If the Department allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Department and the MADEP (see Section 2.2).

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

The Department shall calculate and administer daily concentration limits (i.e., local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedances of these limitations. For industrial discharge applications, the local limits shall apply at the end of the process train prior to dilution with non-industrial wastewaters. Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow composited sample (or other sampling procedure approved by the Department) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours. All concentration limits for metals represent a total metal unless indicated otherwise. The Department may impose mass limitations

in addition to, or in accordance with Attachment E, in place of the concentration-based limitations.

- B. Pollution Prevention Action. Pollutants for which pollution prevention efforts are required of all significant industrial users and other industrial and non-industrial users at the discretion of the Department include:

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

- C. Screening Levels. The following pollutants shall not be discharged to the POTW exceeding concentrations listed below without approval of the Department:

- Phosphorus based compounds, 10 mg/l
- Ammonia based compounds, 10 mg/l

Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce adverse impacts due to flammability, chemical reactivity, organic/solids loadings, pass through, effluent quality, sludge acceptability or worker health and safety. If any of the screening levels are exceeded, repeat analysis must be performed to verify compliance or noncompliance with that screening level. If noncompliance is confirmed, then the industrial user may be required, at the discretion of the Department, to conduct an appropriate engineering evaluation to determine the potential impact of the discharge of this pollutant to the Town's POTW or alternatively, to develop a pollution prevention plan specifically addressing the pollutant that exceeds the screening level. This study or plan must be conducted under the supervision and approval of the Town. Should the evaluation indicate the impact to be unsatisfactory, the Industrial User shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level shall be adjusted and administered as a limit for the specific discharge.

- D. Special Agreements. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment provided that said agreements do not contravene any requirements of existing federal or State laws, and/or regulations promulgated there under, are compatible with any user charge system in effect, and do not waive applicable federal categorical pretreatment standards. Special agreement requests shall require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested. For pollutants with numerical local limits, the Town has allocated a percentage of its allowable industrial loadings for such special agreements. Requests for special agreements that exceed this allocation will not be approved.

2.7 Town's Right of Revision

The discharge standards and requirements set forth in Sections 2.4, 2.5, and 2.6 are established for the purpose of preventing discharges to the POTW that would harm the sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance. To meet these objectives, the Department may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.4, and 2.5 if, in the Department's opinion, such more stringent standards or requirements are necessary. At a minimum, this review will be performed at least once every five years. In forming this opinion, the Department may give consideration to such factors as the quantity of waste in relation to

flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Department. The Department shall allow affected industrial users reasonable time to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

2.8 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Department may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.9 Mass-Based Limitations

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in its discharge even though the total mass of the pollutant discharged does not increase and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the POTW and will be at the discretion of the Department. Implementation of mass-based limitations may not contravene any requirements of federal or State laws and/or regulations implemented there under and may not waive applicable categorical pretreatment standards.

SECTION 3 - SEWER USE RATES AND FEES

3.1 Sewer Use Charges

Sewer fees shall be paid by the owner or owners of real estate connected by sewer with the Town sewers and sewer systems or real estate which received special benefit there from in anyway. All users of the system shall be billed on the basis of their proportionate usage of the facility.

3.2 Revenue from Sewer Use Fees

The revenue from sewer rates shall be paid into the Town Sewer Enterprise Fund and shall be kept and applied exclusively for the purposes of defraying the cost of construction, management, maintenance, operation, reconstruction, replacement and repairs of Town sewers and sewer systems, including treatment and disposal works and for the payment of the interest and principal of any debt incurred to pay such costs. The revenue from sewer rates shall be kept as a separate and distinct fund and shall be known as the sewer fund. The Town Treasurer is hereby authorized in their discretion to deposit any present or future surplus revenue from sewer fees in commercial and/or savings account and withdraw or transfer the same for proper purposes as is deemed expedient.

3.3 Assessment and Metering of Sewer Use

Sewer fees shall be assessed as follows:

- A. If the user has a sewer meter the sewer meter shall be used for billing purposes.
- B. Upon the metered consumption of water
 1. Upon the metered consumption of water on premises connected with the sewerage system wherein the quantity of discharge is to be determined by meter readings of the Department.
 2. Upon metered premises minimum consumption rates shall apply.
 3. In all instances for metering other than by the Department meters, the owner or owners of the premises shall furnish, at their expense, a meter acceptable to the Department.
 4. In case of a meter stopping or failure to register, the quantity of water used shall be estimated as the average amount which ordinarily passes through the meter when the meter is in operation.
 5. Upon premises where there is both a metered public supply of water and a non-metered public supply of water and a non-metered private supply of water, the rate shall be determined by metering both of the water supplies.
 6. No person, firm or corporation shall do any act or commit any deed to obstruct or interfere with the proper measuring of water or discharge by meter.
 7. Any person, firm or corporation violating the provisions of this Regulation may be fined or face civil penalties per Section 12 of this Regulation.
- C. Dwellings with private wells shall have a water meter installed on the supply line to measure the sewer use.
- D. In all other instances where the foregoing sections of this Regulation cannot reasonably be applied, an adjustment as to sewer may be made by the execution of a contract between the owner and owners and the Select Board.
- E. The Town of Ayer municipal buildings shall be exempt from paying sewer use fees.

3.4 Notice and Collection of the Sewer Use Fees:

- A. Sewer use fees are billed four times per year. Notice of such billing shall be mailed to the owner of the property and include the period being billed, usage for said period and the rates in effect at the time of the billing.
- B. Property owners are responsible for the amounts billed even if properly addressed notices are not delivered by the Post Office.
- C. When a building is vacant and the water is shut off at the street, no minimum water charge will be made during the time service is shut off.
- D. Bills are payable to the Town at the address listed on the bill.
- E. Payments made by mail are at the risk of the sender.
- F. A self-addressed stamped envelope should be included if a return receipt is desired.
- G. Bills shall be due at least 30 days after the postmark of the bill, with interest charged on delinquent amounts.
- H. Bills which remain unpaid 30 days after the due date of the final bill of the calendar year are subject to a lien upon the real estate served by the Town.
- I. Upon petition to the Department, not later than ninety (90) days after the use fee due date, the Superintendent may, for good cause shown, abate in whole or in part any sewer use fee.

3.5 Sewer Use Rates

Sewer use rates shall be those in effect at the time of billing as approved by the Select Board as shown in Attachment A.

3.6 Fees for New Sewer Connections

- A. Fees for new sewer connections are due upon application.
- B. Fees generated from sewer connection fees will be deposited in the Town's DPW Wastewater Division Enterprise Account.
- C. The Town shall have the right to require developers of non-residential facilities to provide site specific engineering data where significant discrepancies in projected sewer system impact exist. All costs shall be borne by the developer.
- D. The Town shall have the right to require developers of residential and non-residential facilities to provide inflow and infiltration removal from the system to offset the increased flows. All costs shall be borne by the developer.

3.7 Payment

- A. Sewer bills will be considered delinquent if full payment is not received within 30 days of date of billing. Interest will be charged not to exceed 14% annually of the balance due. Delinquent sewer bills that remain unpaid for at 6 months shall be transferred to the Tax Collector's Office and will be treated as delinquent taxes. The amount to be transferred will be the past-due balance with attached accumulated interest.
- B. Late payments will be subject to water service termination in accordance with Section 3.8.

3.8 - Termination of Service

- A. The Town shall have the right to shut off water for the following reasons:

1. Disregard of the Sewer Rules and Regulations of the Town of Ayer.
 2. Neglecting to make payments of charges for sewer service or other charges or fees related to the sewer use.
 3. Misrepresentation in application as to the premises or fixtures to be supplied, or the use of the sewer.
 4. Use of sewer for any purpose not described in the Application for Sewer Service.
 5. Failure to maintain, in good order, connections, service lines, or fixtures for which the customer or property owner is responsible.
 6. Vacancy of the premises.
 7. Refusal of access to premises to inspect, read, maintain, or remove meters.
- B. The Town assumes no responsibility for damage resulting from shutting off water for the above reasons.
- C. Water service termination and renewal will only occur during DPW business hours, 7:30 AM to 3:30 PM, Monday through Friday. Water service renewal will be done after normal working hours for emergency situations authorized by the Superintendent.
- D. Payment to Avoid Termination- In order to forestall termination of service to a delinquent account, payment following the issuance of a Final Notice shall be made either in cash or by a certified or a bank cashier's check. A person making a payment in person to forestall termination shall be referred to a designated Town representative. Upon receipt of payment, the designated representative shall issue a stop termination order and present the individual with a receipt.
- E. Payment after Termination -A customer seeking renewal of water service after termination due to the customer's non-payment of charges must pay the past due balance on the account as well as a water service turn-on fee. Payment must be in cash or by a certified or bank cashier's check. Customers may make arrangements with the Town to pay the past due balance over time.
- F. Collection Agreements - A customer who cannot pay the full amount due the Town for charges may be permitted to enter into a collection agreement with the Town. Customers shall be required to sign the agreement which will be furnished by the Town. The agreement will detail all the conditions that are required to stay termination. Failure to adhere to the collection agreement will result in termination of the customer's water service pursuant to these regulations.

SEWER RULES AND REGULATIONS

TOWN OF AYER, MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS -WASTEWATER DIVISION

April 2021



PART 2 INDUSTRIAL USE AND PRETREATMENT

SECTION 4 - PRETREATMENT OF WASTEWATER

4.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Regulation and shall achieve compliance with all USEPA categorical pretreatment standards, local limits, prohibitions, and requirements set out in Sections 2.4, 2.5 and 2.6 of this Regulation within the time limitations specified by EPA, the MADEP, or the Department, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Department for review, and shall be acceptable to the Department and the MADEP before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Regulation.

4.2 Additional Pretreatment Measures

- A. Whenever deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Regulation, the Department may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary.
- B. The Department may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.
- C. Grease Traps, Oil and Grit Traps, and Interceptors
 1. All food service and preparation establishments shall have an adequate grease trap installed between the establishment and the Town sanitary sewer service connection. Grease traps and/or oil and grit traps shall also be required for commercial or industrial establishments such as, but not limited to, restaurants, laundries, wash racks, vehicle service stations, private multi-user systems, engine or machinery repair shops and other facilities that produce grease, grit, oil, lint or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the Town's sewers, or if it is determined that the amount of grease introduced into the system is in excess of 100 mg/l per day.
 2. The design, construction and installation of any such device in accordance with this section and Attachments F shall be subject to prior approval of the Department or the Town's Building Inspector.
 3. The grease or oil and grit trap is to be located on establishment property.
 4. The grease trap shall have a minimum of two compartments.
 5. While operating at the trap's rated flow capacity, the first compartment must provide a retention time of no less than seven minutes, and the second compartment must provide a retention time of no less than five minutes.

6. Trap inverts and vents shall be external to the compartments. The flowline to the trap (upstream of inlet invert) must be at least 3 inches above the static water level of the tank. The trap vent must be at least 3 inches above the static water level of the tank. The trap inlet must be at least 24 inches below the static water level of the tank, and the trap outlet must be at least 12 inches above the floor of the tank.
 7. Adequate flow diffusion features must be provided to evenly distribute flow throughout the grease trap. Examples of such features would include a flow diverter plate in the primary compartment, "tee" piping between the two trap compartments and "tee" piping on the tank outlet.
 8. Each trap compartment shall be accessible for cleaning and inspection purposes at all times.
 9. Exceptions to certain of these criteria may be considered for approval in the Plan Review process. In such cases, engineering drawings and supporting performance data must be submitted to and approved by the Department prior to grease trap installation. Grease traps of alternative designs may be approved for those sites needing grease traps of 250 gallons or less.
 10. Maintenance. All grease traps and oil/grit traps shall be cleaned as needed to insure proper operation in accordance with 3.10 CMR (15.230). They shall be cleaned at least once per year. Maintenance and cleaning records shall be kept and shall be made available to the Department upon request.
 11. Failing Systems. Any commercial or industrial facility that is currently operating a grease retention system and experiences a blockage due to a failing system, will be required to reimburse the Department for any service-related activity required to remove the blockage; and if the current system is found to be undersized or otherwise inadequate, upgrade the system within a specified time period agreed to between the owner and the Department.
 12. Termination of Service. In cases where grease trap or interceptor systems are found to be inadequate due to under sizing, where blockages have occurred more than once, where the wastewater discharge of the establishment exceeds 100 mg/L per day, or monthly average of 25mg/L per day, or where the systems are not in place, the Department shall have the option to discontinue water service to the responsible establishment until such time that an inspection by the Department determines that the installation or completion of repairs to the grease interceptor system is satisfactory.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.
- E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at his expense.

4.3 Accidental Discharge/Slug Control Plans

As necessary the Department may evaluate whether each significant industrial user needs an accidental discharge/slug control plan and this requirement may be included in Industrial Discharge Permits. The Department may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Department may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Department of any accidental or slug discharge, as required by Section 7.6 of this Regulation; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

4.4 Pollution Prevention Plans

In accordance with the provisions of Sections 2.5, 2.6 and 11.3 of this Regulation, the Department may require any person discharging wastes into the POTW to develop and implement, at that person's own expense, a pollution prevention plan. The Department may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
- D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
 - 1. Reduced raw material purchases;
 - 2. Avoidance of waste treatment, monitoring and disposal costs;
 - 3. Reductions in operations and maintenance expenses;
 - 4. Elimination of permitting fees and compliance costs; and
 - 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical

information on pollution prevention should be solicited and exchanged, both from inside the organization and out.

- F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness. The review and approval of such pollution prevention plans by the Town shall in no way relieve the user from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the Town in accordance with the provisions of this Regulation.

SECTION 5 - INDUSTRIAL DISCHARGE PERMIT APPLICATION

5.1 Wastewater Characterization

When requested by the Department, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Department is authorized to prepare a form for this purpose and may periodically require users to update this information.

5.2 Industrial Discharge Permit Requirement

- A. No industrial user (over 25,000 gpd) discharge shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Department, except that a significant industrial user that has filed a timely and complete application pursuant to Section 5.3 of this Regulation may continue to discharge for the time period specified therein.
- B. The Department may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this Regulation.
- C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Regulation and shall subject the industrial discharge permittee to the enforcement actions set out in Sections 10 through 12 of this Regulation. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law.
- D. Effluent limits, including Best Management Practices, based on applicable pretreatment standards.
- E. Requirements to control Slug Discharge, if determined by the Department to be necessary.

5.3 Discharge Request Requirement

All industrial users with flow > 50,000 gpd must receive MADEP approval for any new industrial discharge, or any significant alteration in either flow or waste characteristics, in accordance with the Town's NPDES permit. Such approvals shall be obtained in accordance with Section 6.1 of this Regulation.

5.4 Industrial Discharge Permitting: Existing Connections

Any user required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Regulation, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Department for an Industrial Discharge Permit in accordance with Section 5.2 of this Regulation, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Regulation except in accordance with an Industrial Discharge Permit issued by the Department.

5.5 Industrial Discharge Permitting: New Connections

Any user required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW shall obtain an Industrial Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Industrial Discharge Permit, in accordance with Section 5.2 of this Regulation, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

5.6 Industrial Discharge Permitting: Categorical Standards

Within 120 days subsequent to the effective date of a categorical pretreatment standard, an industrial user subject to such standards shall submit an application for an Industrial Discharge Permit amendment. The application shall contain the information noted under Section 5.7.

5.7 Industrial Discharge Permit Application Contents

All users required to obtain an Industrial Discharge Permit, and other users subject to these rules, as required by the Department, shall submit a permit application. The Department may require all users to submit as part of an application the following information:

- A. All information required by Section 5.7 (B) of this Regulation;
- B. Description of activities, facilities, and production processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally be, discharged to the POTW;
- C. A list of all environmental permits held by or for the facility.
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge and sampling locations;
- G. The estimated average, maximum and total daily flow for each discharge and the time and duration of discharges;
- H. Copies of existing pollution prevention plans and/or a description of all known pollution prevention opportunities that may exist at the facility;
- I. An indication of whether the conditions referenced in the application are existing or proposed; and J. Any other information as may be deemed necessary by the Department to evaluate the Industrial Discharge Permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

5.8 Signatories and Certification

All Industrial Discharge Permit applications and user reports shall be signed by an authorized representative of the user and shall contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, 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.

5.9 Hauled Wastewater/Septage Permits

- A. Septic tank waste and hauled water from permitted offsite holding tanks may only be introduced into the POTW at a location designated by the Department, and at such times as are established by the Department.
- B. The POTW will not accept any type of hauled industrial waste from any industrial discharger who is connected to the Town's wastewater collection system without written approval from the Department. Only wastewater generated by off-system users from their septage tanks or permitted holding tanks is permissible for discharge at the POTW. The Department shall require all generators of wastewater from offsite holding tanks to obtain Industrial Discharge Permits. The Department shall require haulers of such industrial waste to obtain Discharge Permits to access Town facilities. All other requirements of this Regulation apply to the discharge of offsite holding tanks and septage discharges.
- C. The septage haulers may discharge loads only at locations designated by the Department. No load may be discharged without prior consent of the Department. The Department will collect samples of each hauled load to ensure compliance with applicable standards. The Department may require the generator of the load to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the wastes are not hazardous wastes as defined in the State's Hazardous Waste Rules.

SECTION 6 - INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

6.1 Industrial Discharge Permit Decisions

The Department will evaluate the data provided by the industrial user and may require additional information. Within ninety (90) days of receipt of a complete Industrial Discharge Permit application, the Department will determine whether or not to issue an Industrial Discharge Permit. The Department may deny any application for an Industrial Discharge Permit, with just cause.

6.2 Industrial Discharge Permit Duration

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Industrial Discharge Permit may be issued for a period less than these intervals at the discretion of the Department. Each Industrial Discharge Permit will indicate a specific date upon which it will expire. Industrial Discharge Permits shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 6.6 of this Regulation. All Industrial Discharge Permits issued to a particular user are void upon the issuance of a new Industrial Discharge Permit to that user.

6.3 Industrial Discharge Permit Contents

An Industrial Discharge Permit shall include such conditions as are deemed reasonably necessary by the Department to prevent pass through or interference, protect the quality of the water body receiving the treatment facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial Discharge Permits shall contain:

1. A statement that indicates Industrial Discharge Permit duration, which in no event shall exceed five (5) years;
2. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the Town in accordance with Section 6.6 of this Regulation, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;
3. Effluent limitations based on applicable pretreatment standards and requirements;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports and, for pollutants to be monitored, the following: sampling location, sampling frequency, and sample type based on this Regulation, and State and federal laws, rules and regulations;
5. For users with reporting requirements, such reports at a minimum shall require:
 - a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;
 - b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, then what additional operation and maintenance practices and/or pretreatment systems are necessary; and
 - c. Submission of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the permit.
6. A description of identified pollution prevention opportunities at the facility;
7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by this Regulation, applicable State and federal laws, rules and regulations.
8. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment

standards, including those that become effective during the term of the Industrial Discharge Permit.

B. Industrial Discharge Permits may contain, but need not be limited to, the following conditions:

1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
7. Other conditions as deemed appropriate by the Department to ensure compliance with this Regulation, and State and federal laws, rules, and regulations.

6.4 Industrial Discharge Permit Appeals

Any person, including the user, may petition the Department to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appellant user must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.
- C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.
- D. If the Department fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- E. Aggrieved parties may appeal the conditions of the Industrial Discharge Permit.

6.5 Industrial Discharge Permit Modification

The Department may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Industrial Discharge Permit issuance;

- C. A change in 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 Town's personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the Industrial Discharge Permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the Industrial Discharge Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

6.6 Industrial Discharge Permit Transfer

Industrial Discharge Permits may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the Department, and the Department approves the Industrial Discharge Permit transfer. The notice to the Department shall include a written certification by the new owner or operator that:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing Industrial Discharge Permit. Failure to provide advance notice of a transfer shall render the Industrial Discharge Permit void as of the date of facility transfer.

6.7 Industrial Discharge Permit Reissuance

A user with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with Section 6.7 of this Regulation, a minimum of ninety (90) days prior to the expiration of the user's existing Industrial Discharge Permit. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

The industrial user has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit; and

The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

6.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Department shall enter into an inter-municipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph (A), above, the Department shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 3. Such other information as the Department may deem necessary.
- C. An inter-municipal agreement, as required by paragraph (A), above, shall contain the following conditions:
1. A requirement for the contributing municipality to adopt a sewer use Regulation that is at least as stringent as this Regulation, and local limits that ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Regulation and local limits shall be revised as necessary to reflect changes made to the Town's Regulation or revisions to the loadings allocated to the contributing municipality;
 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 3. A provision specifying which pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Department;
 4. and which of these activities will be conducted jointly by the contributing municipality and the Department;
 5. A requirement for the contributing municipality to provide the Department with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 6. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 7. Requirements for monitoring the contributing municipality's discharge;
 8. A provision ensuring the Department's access to the facilities of users located within the Contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Department; and
 9. A provision specifying remedies available for breach of the terms contained within the agreement.
- D. Inter-municipal agreements shall be subject to approval by MADEP.

SECTION 7 - REPORTING REQUIREMENTS

7.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days subsequent to the effective date of either a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall submit to the Department a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Department a report that contains the information listed in paragraph (B), below. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
 1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 2. Environmental Permits. A list of all permits issued under any law or rule implemented by EPA or MADEP that are held or are required by law to be held by or for the facility.
 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) conducted by such user. This description should include a schematic process diagram that indicates the point(s) of discharge to the POTW from the regulated processes.
 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 5. Measurement of Pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Department, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 7.11 of this Regulation.
 - c. Sampling shall be performed in accordance with procedures set out in Section 7.11 of this Regulation.
 6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment systems are required to attain consistent compliance with the pretreatment standards and requirements.
 7. Compliance Schedule. If additional pretreatment and/or O&M is required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance

schedule pursuant to this section shall meet the requirements specified in Section 11.2 of this Regulation.

8. Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with Section 7.1 of this Regulation.

7.2 Compliance Schedules/Progress Reports

The following conditions shall apply to the compliance schedules required by Sections 6.1(B) (7) and 10.2 of this Regulation:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards, including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
- B. No increment referred to in 6.2.A shall exceed nine (9) months;
- C. The user shall submit a progress report to the Department no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Department.

7.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Town may authorize a lower minimum. For the reports required by paragraphs Section 6.4 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.

7.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Department but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 4.8 of this Regulation.
- B. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Department or the Pretreatment Standard necessary to determine the compliance status of the User.
- C. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

7.5 Reports of Changed Conditions

Significant Industrial Users are required to notify the Department immediately of any changes at its facility affecting the potential for a Slug Discharge. Each industrial user shall notify the Department of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Department may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application under Section 5.7 of this Regulation.
- B. Upon approval of the request by the Town, a Discharge Request will be submitted by the Town to MADEP on behalf of the user. All applicable MADEP review fees shall be provided by the user.
- C. Upon approval of the Discharge Request by the MADEP, the Department may issue an Industrial Discharge Permit under Section 6.1 of this Regulation or modify an existing Industrial Discharge Permit under Section 6.5 of this Regulation in response to changed conditions or anticipated changed conditions.

7.6 Reports of Slug/Potentially Adverse Discharges

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Department of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Department, submit a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Regulation.
- C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.

7.7 Reports from Unpermitted Users

All users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Department as the Department may require.

7.8 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by a user indicate a violation, the user shall notify the Department within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Department within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the Department monitors at the user's facility at least once a month, or if the Department samples between the user's initial sampling and when the user receives the results of this sampling.

7.9 Pollution Prevention Reports

Permitted industrial users discharging pollutants under Federal Categorical Standards, "local limits" or "pollution prevention action" lists – Local Discharge Restrictions of this Regulation, at concentrations greater than background levels, shall report annually on pollution prevention activities undertaken to reduce or minimize the generation of wastes containing these pollutants. The Town may publicize these efforts in the annual notification provided for in Section 10.

7.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by MADEP, USEPA and the Town.

7.11 Sample Collection

- A. Except as indicated in Section B below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Department. Where time-proportional composite sampling or grab sampling is authorized by the Department, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be 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 Department, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for temperature, pH, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

7.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report from the person designated in the Industrial Discharge Permit shall govern.

7.13 Record Keeping

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

SECTION 8 - POWERS AND AUTHORITIES OF INSPECTORS

8.1 Compliance Monitoring

The Town shall investigate instances of noncompliance with the industrial pretreatment standards and requirements. The Town shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing noncompliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurred for analysis of its wastewater.

8.2 Right of Entry: Inspection and Sampling

A. Rights of Access

1. Agents or representatives of the Town shall have free access, at reasonable times, to all premises supplied with water to determine or verify the quantity of water used, the manner of its use, type of fixtures used which shall be subject to rejection if found to be unsuitable for the purpose, and whether there is unlawful waste.
2. Duly authorized representatives of the Town may inspect the property or the facilities of any customers (including facilities under construction) to ascertain compliance with these regulations. Customers of premises where water service pipes or fire pipes are located shall allow properly identified Town representatives ready access, at all reasonable times during normal business hours and at such other times as the Town reasonably suspect that a violation of the regulations may be occurring.

B. Consequences

1. Consequences of Denial of Entry or Access: Where a customer, after having received reasonable notice from the Town, refuses to permit properly identified Town personnel to enter or have access to premises or facilities in accordance with the terms of this section, the Town may forthwith give written notice of its intent, which may be up to and including the termination of water service to such customer.
2. When the Town determines that a) a violation of these regulations, or b) any damage to the public water mains, is threatened or has occurred, any one or more of the following actions may be taken:
 - a. The Town may shut off water service as authorized elsewhere in these regulations.
 - b. The Town may issue an order to cease and desist any such violation and may direct the violator(s) as follows: (1) To comply with these Rules and Regulations and with the cease and desist order either forthwith or in accordance with a time schedule set forth by the Town; or (2) To take appropriate remedial preventive action in the event of a threatened violation.
 - c. The Town may require the customer in question to submit a detailed schematic plan and time schedule showing the specific actions to be taken in order to prevent or correct a violation. The Town may modify such schematic and time schedule, or require such other actions within such times, as the Town deems appropriate.
 - d. The Town may take direct enforcement action by filing suit in any court of competent jurisdiction pursuant to any applicable statute or regulation.

All industrial users discharging to the Town's POTW shall allow unrestricted access by Town, State and EPA personnel (Inspector(s)) for the purpose of determining whether the user is complying with all requirements of this Regulation, and any Industrial Discharge Permit or order issued hereunder. Users shall allow the Inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- C. If a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
- D. The Inspector(s) shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- E. The Inspector(s) may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure accuracy.
- F. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the user.
- G. Unreasonable delays in allowing the Inspector(s) access to the user's premises shall be a violation of this Regulation.
- E. The Inspector(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of discharge to the public sewer. The industrial user may request that the information in question not be disclosed to the public in accordance with Section 9 of this Regulation. The information in question shall be made available upon written request to governmental agencies for uses related to this Regulation, the NPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the user. However, information regarding wastewater discharge by the user (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.
- H. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Inspector(s), and the Town shall indemnify the user against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.
- I. The inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- J. The Department and other duly employees of the Town bearing proper credentials and identification shall inspect the premises of any consumer for leakage or other wastes of metered

water upon the request of the consumer. Such a request may be required in writing by the Town. The Town shall not be held liable for any condition that may prevail or exist that is discovered by inspection of the Town.

8.3 Search Warrants

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

SECTION 9 - CONFIDENTIAL INFORMATION/PUBLIC PARTICIPATION

9.1 Confidential Information

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

9.2 Public Records

All public records requests should be directed in accordance with the provisions of the Massachusetts Public Records Law to the Town's Public Records Access Officer, the Town Manager at tm@ayer.ma.us or at 1 Main Street, Ayer, MA 01432.

9.3 Public Participation

The Town shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements.

SECTION 10 - PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS

The Department may publish annually, in the largest daily newspaper, a list of users whom during the previous twelve (12) months, demonstrated a commitment to reducing the volume and toxicity of waste discharges. All pollution prevention efforts, not just those that affect wastewater discharges, are subject to recognition. The following criteria will be used to identify published users:

- A. Innovative ideas the facility has used to implement process changes that eliminate or reduce the volume or toxicity of waste generated;
- B. The percentage of the facility's process water reused within the system or process;
- C. The percentage of the facility's potential waste reused within the system or process;
- D. Implementation of employee pollution prevention training and communication programs;
- E. Voluntary performance of pollution prevention audits;
- F. Spill control procedures/devices (e.g., secondary containment) the facility implements to prevent accidental chemical spills from entering the sewer system; and
- G. The environmental and/or economic benefits or successes derived from implementing pollution prevention methods. The intent of the publication is to notify local consumers of the environmental responsiveness of local businesses, and to encourage industrial users to identify and implement opportunities for preventing pollution. As part of this publication, the Town shall provide an evaluation of the impact of these changes to the POTW, and summarize the current status of pollutant loadings to the POTW and goals established by the POTW for pollution prevention efforts.

SECTION 11 - ADMINISTRATIVE ENFORCEMENT REMEDIES

11.1 Notification of Violation

When the Department determines that a user has violated, or continues to violate, any provision of this Regulation, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Department may serve a verbal or written Notice of Violation to the user. Within the time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Department. Submittal of this plan in no way relieves the user of liability for any violations occurring before or subsequent to receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Department to take any action, including emergency actions or any other enforcement action, without initially issuing a Notice of Violation.

11.2 Compliance Schedule Development

The Department may require any user that has violated or continues to violate any provision of this Regulation, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section shall meet the requirements set out in Section 7.2 of this Regulation. A compliance schedule pursuant to this section shall comply with the following conditions:

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

11.3 Pollution Prevention Plan Development

The Department may require any user that has violated or continues to violate any provision of this Regulation, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a pollution prevention plan in accordance with Section 4.4 of this Regulation. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Department no later than sixty (60) days after the user was notified of this requirement.

11.4 Publication of Users in Significant Noncompliance

The Department shall publish annually, in the largest daily newspaper circulated in the Town where the POTW is located, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

11.5 Show Cause Orders

The Department may order a user that has violated, or continues to violate, any provision of this Regulation, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Department and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

11.6 Cease and Desist Orders

When the Department determines that a user has violated, or continues to violate, any provision of this Regulation, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Department may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

11.7 Consent Orders

The Department is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as administrative orders issued pursuant to Sections 10.5 and 10.6 of this Regulation and shall be judicially enforceable.

11.8 Industrial Discharge Permit Termination

Any industrial user who violates the following conditions of this Regulation or a wastewater discharge permit or 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; or
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11.5 of this Regulation why the proposed action should not be taken. Exercise of this option by the Department shall not be a bar to, or a prerequisite for, taking any other action against the user.

11.9 Termination of Discharge

In addition to the provisions in Section 11.8 of this Regulation, any user who violates the following conditions is subject to discharge termination:

- A. Violation of Industrial Discharge Permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this Regulation. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11.5 of this Regulation why the proposed action should not be taken. Exercise of this option by the Department shall not be a bar to, or a prerequisite for, taking any other action against the user.

11.10 Emergency Suspensions

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

- A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply with the suspension order, the Department may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Department may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Department that the period

of endangerment has passed, unless the termination proceedings in Section 11.8 or 11.9 of this Regulation are initiated against the user.

- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Department prior to the date of any how cause or termination hearing under Sections 11.5, 11.8 or 11.9 of this Regulation. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

11.11 Recovery of Expenses

Any person or industrial user violating any of the provisions of this Regulation shall be liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. If the Department or Select Board shall have caused the disconnection of a drain from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person or user responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

11.12 Harm to Town Property

- A. No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct pursuant to the local Regulations and shall also be subject to penalties under State and federal statutes.
- B. The Town nor its employees shall be liable for damages arising out of malfunction of the system including but not limited to backups.

SECTION 12 - JUDICIAL ENFORCEMENT REMEDIES

12.1 Injunctive Relief

When the Town determines that a user has violated, or continues to violate, any provision of this Regulation, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may petition the Middlesex Superior Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific performance of the Industrial Discharge Permit, order, or other requirement imposed by this Regulation on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user.

12.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this Regulation, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of \$1,000 per violation, per day, plus actual damages incurred by the POTW in accordance with MA General Law Chapter 83 Section 13. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Town may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town. The Town shall petition the Court to impose, assess, and recover such sums.
- C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against a user.

12.3 Criminal Prosecution

Any person or industrial user who willfully or negligently violates any provision of this Regulation or any orders or permits issued hereunder shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed \$10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation.

12.4 Nonexclusive Remedies

The remedies provided for in this Regulation are not exclusive. The Town may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's Enforcement Response Plan. However, the Town may pursue other action against any user without limitation, including ex parte temporary judicial relief to prevent a violation of this Regulation. Further, the Town is empowered to pursue more than one enforcement action against any non-compliant user.

SECTION 13 - SUPPLEMENTAL ENFORCEMENT ACTION

13.1 Performance Bonds

The Department may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Regulation, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Department to be necessary to achieve consistent compliance.

13.2 Liability Insurance

The Department may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Regulation, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13.3 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this Regulation, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, subsequent to satisfactory demonstration of its ability to comply.

The Town shall have the right to shut off water for the following reasons:

A determination has been made that these Regulations have been violated in severity.

13.4 Public Nuisances

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

13.5 Contractor Listing

Users that have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town. Existing contracts for the sale of goods or services to the Town held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Department.

SECTION 14 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

14.1 Upset

- A. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who intends to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset;
 - 2. At the time being of the upset, the facility was operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and 3. The user has submitted the following information to the Department within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within ten (10) calendar days):
 - a. A description of the discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the amount of time the noncompliance is expected to continue; and
 - c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- F. Users shall control all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

14.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.4(A) of this Regulation, the specific prohibitions in Section

2.4(B) or additional Prohibitions in Section 2.4(C) of this Regulation if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

14.3 Bypass

- A. For the purposes of this section,
 - 1. Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Department, at least ten (10) days before the date of the bypass, if possible.
 - 1. A user shall submit oral notice to the Department of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the amount of time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass is prohibited, and the Department may initiate enforcement action against a user for a bypass, unless:
 - a. Bypass was required to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under paragraph (C) of this section.

1. The Department may approve an anticipated bypass, subsequent to considering its adverse effects, if the Department determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 15 - VALIDITY

- A. All Regulations or parts of Regulations in conflict herewith are hereby repealed.
- B. The validity of any section, clause, sentence, or provision of this Regulation shall not affect the validity of any other part of this Regulation that can be given effect without such invalid part or parts.

SECTION 16 - INTERPRETATION OF REQUIREMENTS

16.1 Interpretation

The provisions of this Regulation with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted and administered by the Department acting in and for the Town of Ayer, Massachusetts through the Select Board.

16.2 Appeals

Any party aggrieved by any decision, regulation or provision under this Regulation, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said decision to the Department, who shall issue a decision within thirty (30) calendar days. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Middlesex Superior Court for equitable relief, provided that said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Department.

SECTION 17 - EFFECTIVE DATE

This Regulation shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Duly enacted and ordained this _____ by the Select Board of the Town of Ayer in Middlesex County, State of Massachusetts, at a duly noticed and duly held session of the said Department and Select Board.

Ayer, Massachusetts

By:

ATTACHMENT A – WATER AND SEWER RATE FEE SCHEDULE

DRAFT

Sewer fees, charges and surcharges are subject to change and will be billed at the rates in effect at the time of the billing as adopted by the Select Board.

Sewer Use Fee

Per 1,000 gallons of water: _____

Septage Disposal Fee

Per 1,000 gallons of septage: _____

Per each 500 gallons in excess of 1,000: _____

Industrial User Charges

It is one of the purposes of the regulations to provide for the recovery of costs from persons who use the POTW. The Town of Ayer may adopt charges and fees which may include:

- (a) Fees for permit applications and modifications;
- (b) Fees for the reimbursement at the costs of setting up and operating and administering the Town's Industrial Pretreatment Program.
- (c) Fees for processing and inspecting sewer connections
- (d) The applicable charges and fees for the items listed in (a) and (b) above shall be set from time to time by the Town and shall be assessed via the Town's general water and sewer rate or on a fee-for-specific-service basis in accordance with a schedule duly adopted by the Town and annexed hereto.

The Town may adopt reasonable fees for reimbursement of costs of administering the Town's Industrial Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Town to address IU noncompliance; and
- F. Other fees as Town may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by Town.

New Sewer Connection Inspection Fees

Single Family Residential: _____

Multiple Family Residential: _____
Commercial/Industrial: To be determined upon application _____

New Sewer Connection Access Fees

Single Family Residential including manufactured housing: _____

Multiple Family Residential per unit: _____

Commercial/Industrial: _____ per gallon per day of consumption

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ATTACHMENT B – OUT OF TOWN CONNECTION

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ATTACHMENT C – APPLICATION FOR SEWER CONNECTION

DRAFT

ATTACHMENT D – AUTHORIZED SEWER CONTRACTORS

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ATTACHMENT E- LOCAL LIMITS

Technically Based Local Limits	
Parameter	Existing Local Limit (mg/L)
Antimony	10.0
Arsenic	0.30
Cadmium	0.038
Chromium	2.0
Copper	1.0
Cyanide	0.30
Lead	0.250
Mercury	0.001
Nickel	1.0
Silver	0.0146
Selenium	2.50
Zinc	0.75
BOD	2,400 #/day (industrial loading)
TSS	5,455 #/day (industrial loading)
Oil and grease	100

ATTACHMENT F- SEWER CONSTRUCTION

DRAFT