

## REGULATION OF SEWER USE

RULES AND REGULATIONS FOR THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF EAST LONGMEADOW, COUNTY OF HAMPDEN, STATE OF MASSACHUSETTES.

### ARTICLE I

#### Definitions

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

Sec. 1. "Average Daily Flow" shall mean the total volume of sewage in gallons measured at a metering station or other point during a continuous period of three hundred sixty-five (365) days divided by three hundred sixty-five (365).

Sec. 2. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of Oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

Sec. 3. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste, and other drainage pipes, inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 4. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 5. "Categorical Pretreatment Standards" shall mean pollutant discharge limitations for specific industrial user categories promulgated under federal law by the U. S. Environmental Protection Agency.

Sec. 6. "City" shall mean the City of Springfield, its Director of Public Works, or authorized representatives.

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

Sec. 8. "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Sec. 9. "Industrial User" shall mean an industry discharging industrial wastes to a public sewer.

Sec. 10. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 11. "Interfere" shall mean a discharge by an Industrial User which, alone or in conjunction with discharges by other sources, inhibits or disrupts the City's wastewater works. Its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the City in accordance with the following statutory provisions and regulations or permits issued thereunder for more stringent State or local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA), the Clean Water Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

Sec. 12. "Maximum Daily Flow" shall mean the highest volume in gallons measured at a metering station or other point during any continuous twenty-four (24) hour period.

Sec. 13. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 14. "Owner" shall mean that person holding title to the property served or to be served by the sewer.

Sec. 15. "Pass Through" shall mean the discharge of pollutants through the City's wastewater works into navigable waters in quantities or concentrations. Which, alone or in conjunction with discharges from other sources, and is a cause of a violation, of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

Sec. 16. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Sec. 17. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in gram per liter of solution.

Sec. 18. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food. They have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Sec. 19. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 20. "Sanitary Sewer" shall mean a sewer, which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sec. 21. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sec. 22. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 23. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 24. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 25. "Shall" is mandatory; "May" is permissive.

Sec. 26. "Slug" shall mean any discharge of water, sewage, or industrial waste 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 flows during normal operation.

Sec. 27. "Storm Drain" (sometimes termed "Stormed Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 28. "Superintendent" shall mean the Superintendent of Public Works of the Town of East Longmeadow, or his authorized deputy, agent or representative.

Sec. 29. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 30. "Watercourse" shall mean a channel in which a flow of waters occurs, either continuously or intermittently.

## ARTICLE II

### Drain layers

Sec. 1. No building sewer installation shall be made by anyone other than those holding a drain layer's license issued by the Superintendent of Public Works.

Sec. 2. Licenses will be issued to experienced and competent contractors.

Sec. 3. Shall maintain insurance as follows:

Public Liability	100,000/300,000
Property Damage Liability	50,000/100,000

And shall file a certificate of same with a "Save Harmless" clause to the Town of East Longmeadow, with the Department of Public Works.

Sec. 4. Shall post a bond in the amount of \$3,000.00 to guarantee the satisfactory completion of his work. Licenses are renewable annually on January 1.

### ARTICLE III

#### Permits and Inspection

Sec. 1. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit And inspection fee of \$45.00 for a residential or commercial building sewer permit and \$45.00 for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

Sec. 2. Permits are to be obtained weekdays at the office of the Department of Public Works between the hours of 8:00 AM and 4:00 PM.

Sec. 3. Permits will only be issued to licensed drain layers to lay sewer and drain in the Town of East Longmeadow.

Sec. 4. Permits are not transferable.

Sec. 5. Permits shall be subject to revocation if any of the rules or regulations contained herein are violated.

Sec. 6. If work is not complete within six (6) months, permit becomes void.

Sec. 7. Permit must be obtained for repair work for any existing sewer services.

Sec. 8. Requests for inspection of sewer service connections to be installed shall be made before 4:00 PM. If called in the AM, inspection will be made PM same day. If called in the PM, inspection will be in the AM, the next working day.

Sec. 9. Inspections will be made only during the normal working hours of the Department.

Sec. 10. A charge of the actual cost to the Town will be made for any inspections made outside the normal working hours of the Department.

#### ARTICLE IV

##### Building Sewers and Connections

Sec. 1. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a change in the volume or character of pollutants that is Commissioners at least forty-five (45) days prior to the proposed change or connection.

Sec. 2. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage. That may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 3. A separate and independent building sewer shall be provided for every building; except when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, providing that the same person owns the buildings.

Sec. 4. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of these rules and regulations.

Sec. 5. 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, sanitary, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 6. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain, which in turn is connected directly or indirectly public sanitary sewer.

Sec. 7. 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.

## ARTICLE V

### Materials and Workmanship

Sec. 1. Pipe and fittings to be used in the work shall be either P.V.C., asbestos-cement. Must be cement-lined cast iron or vitrified clay, with approved joints, four (4) inches or more in diameter.

Sec. 2. In general, sewer services will not be allowed to have more than two (2) angle points, or a total angular deviation of 180 degrees. Cleanouts shall be installed at each deflection.

Sec. 3. All services shall be laid in an envelope of sand with no less than six (6) inches of said material all around the barrel of the pipe.

Sec. 4. All pipe and fittings shall be laid to a minimum slope of one quarter (1/4) inch per foot.

Sec. 5. In general the trenches shall be excavated from the end of the existing sewer service to its point of connection to the building plumbing outlet before back filling any pipe beyond the sand envelope.

Sec. 6. Services in excess of 100 feet in length are subject to review and such other requirements as may be found necessary to assure a functional connection.

Sec. 7. In new construction, and where practicable in existing buildings when the common sewer is sufficiently deep, service shall be laid directly, without deflections from the house plumbing vent stack to the connection provided at the common sewer.

Sec. 8. Tunneling will not be allowed unless special permission is given.

Sec. 9. Connection made to the building plumbing system shall be upstream of any septic tanks or cesspools.

Sec. 10. Pipe and fittings shall not be back filled beyond the sand envelope until the work is inspected.

Sec. 11. The drain layers shall be responsible for all defects in materials and workmanship for a period of one year, following completion of the sewer service installation.

Sec. 12. Upon connection of the building plumbing system to the common sewers, existing septic tanks and cesspools shall be completely filled with suitable material.

Sec. 13. When ledge is encountered in the excavations, a permit must be obtained from the Fire Chief for the use of explosives.

Sec. 14. All blasting shall be done in accordance with the requirements of the Massachusetts Department of Public Safety and such other requirements as imposed by the Fire Chief.

All blasting must be done by a person licensed by the Dept. of Public Safety for that purpose.

## ARTICLE VI

### Use of the Public Sewers

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

Sec. 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

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

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

Sec. 4. No person, except under sections 5, 6, and 8, shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment. Having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers. Also materials of construction of the sewers, nature of the sewage treatment process capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature in excess of one hundred forty (140) degrees F, unless the City or Town required a lower temperature limit to ensure that the temperature of influent wastewater at the City's wastewater treatment works does not exceed one hundred four (104) degrees F.
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32 and one hundred fifty (150)° F 65° C).
- (c) Any garbage that has not been properly shredded, the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits, which may be established by the Superintendent as necessary. After treatment of the composite sewage to meet the requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the receiving waters.

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

(h) Any waters or wastes having a pH in excess of 9.0.

(i) Materials which exert or cause:

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

(2) Excessive discoloration

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

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

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

Sec. 5. If any waters or wastes are proposed to be discharge to the public sewers, which waters contain the substances for possess the characteristics enumerated in Section 4 of this article. Which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Refuse a permit.

(b) Require pretreatment to an acceptable condition for discharge to the public sewers.

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes are not covered by existing taxes or sewer charges under the provisions or Section 10 of this article.

If the Superintendent permits and pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, rules and regulations, and laws.

Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. Except that such interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be, maintained continuously in satisfactory and effective operation by the owner at the expense.

Sec. 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans to approve by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, " published by the American Public Health Association. This shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily, accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all out falls of a premise is appropriate or whether a grab sample or samples should be taken) Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determine, from periodic grab samples. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board of Sewer Commissioners and/or other duly authorized employees of the Town. As is reasonably required. To include installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board of Sewer Commissioners. The records shall be made available upon request by the Board of Sewer Commissioners and given to other Agencies having jurisdiction over discharges to the receiving waters.

Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern. Therefore, industrial waste of unusual strength or character may be accepted by the Town

for treatment, providing the said agreement is approved by the agency expected to treat said waste, subject to payment therefore, by the industrial concern. Such agreement is subject to the terms of an industrial wastewater discharge permit issued by the City and may not waive Pretreatment Standards (Local and Categorical), unless such a waiver is granted by mechanism established under the General Pretreatment Regulations. Prohibited discharge standards may not be waived under any circumstances.

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Sec. 11. The following industrial pretreatment requirements apply to all owners within the Town:

(a) All persons discharging wastewater into a public sewer shall comply with federal and state industrial pretreatment regulations (as amended). Industrial users shall comply with federal and state general pretreatment standards and with applicable categorical standards. Compliance with such standards shall be achieved no later than the date such standard is effective, unless a shorter compliance time is specified by the City or the Town.

(b) The City and Town personnel may randomly sample and analyze the discharges of industries connected to a public sewer. This may conduct surveillance and inspection activities to identify, independent of information supplied by such persons, occasional and continuing non-compliance with these rules and regulations and the City of Springfield Sewer Use Ordinance (as amended). Such authorization shall include the right to enter private property to the extent necessary and the right to inspect and copy records required to be kept under these rules and regulations and other applicable laws.

(c) Within one hundred twenty (120) calendar days after January 14, 1986, (the effective date of this amendment), all industrial users shall apply to the City for an industrial discharge permit, such application shall be made by completing a form developed by the City. Beginning, two hundred forty (240) calendar days after January 14, 1986, (the effective date of this amendment), no industrial user may continue to discharge wastewater to a public sewer without an industrial discharge permit duly issued by the City.

(d) The terms of an industrial discharge permit, may be modified by the City and a reasonable time provided for compliance with such modified terms. Violations of the terms of such permit are violations of these rules and regulations. Where a conflict exists between the terms of a duly issued permit and these rules and regulations, these rules and regulations shall govern, unless the permit is more restrictive. Permits may be issued for a maximum period of three (3) years and may not be transferred to a new owner or occupant of the premises without the written approval of the City and the Town.

(e) A permit may be modified, suspended or revoked in the discretion of the City for:

- I. Violations of the terms and conditions of the permit.
- II. Violations of these rules and regulations

- III. Violations of any state or federal statutory provisions or regulations.
- IV. Falsification of any information or reports submitted to the City.
- V. Tampering with any monitoring equipment or methods.
- VI. Changes in conditions, or the existence of a condition, which require either a temporary or permanent reduction or elimination of the authorized discharge or
- VII. To require compliance with applicable pretreatment or other water pollution standards promulgated by state or federal agencies.

If the City or Town determines that conditions exist that constitute an imminent endangerment to the health or welfare of persons, an endangerment to the environment, or which threaten to interfere with the operation of the public sewer or wastewater facility. The City or Town may immediately modify, suspend or revoke said permit, and shall give notice to the permit holder of said action and the right of the permit holder to request for hearing before the City or Town within forty-eight (48) hours of the revocation, suspension, or modification. Upon notification of the permit holder's request for hearing, the City or Town shall establish a hearing date and time within one (1) working day of the request for a hearing.

In all instances of revocation, modification, or suspension of a permit, the City shall notify the permit holder fourteen (14) days prior to the effective date of said permit action, and of the permit holder's right to request a hearing before the City within seven (7) days of said notice. Upon notification of the request for hearing, the City shall establish a hearing date and time within seven (7) days of the request for a hearing.

If the permit holder does not request a hearing within the proper time period, the action of the City shall become final. Following the hearing, the city may take such action as he deems appropriate as to the suspension, revocation, or termination of said permit.

(f) All new industrial users proposing to discharge wastewater to a public sewer shall apply to the City for an industrial user discharge permit at least sixty (60) calendar days before connecting to the public sewer. As part of such application may require the applicant to obtain written certification from the appropriate federal and state regulatory agencies as to whether the applicant falls within particular industrial categories or subcategories for purposes of industrial pretreatment standards.

(g) Ninety (90) calendar days after adoption by a federal or state regulatory agency of a categorical pretreatment standard. Existing industries subject to such standards shall submit an industrial discharge permit amendment application containing information required under applicable federal and state industrial pretreatment reporting regulations in the form required by the City. (Such permit amendment application and in addition to the industrial user discharge permit application required above.) Such information, as a minimum, shall include:

- I. The name and address of the facility, including the name of the operators and owners.

- II. A list of all environmental permits held by or for the facility.
- III. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
- IV. A schedule of actions to be taken to comply with the categorical standards.
- V. Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
- VI. An identification of the industrial pretreatment standards applicable to each regulated process.
- VII. An analysis identifying the nature and concentration of pollutants in the discharge.

The City may require that additional information be included in such application.

(h) Beginning one hundred eighty (180) days after the adoption of federal or state categorical pretreatment standards, industries subject to such standards may not discharge industrial wastes from processes regulated by such categorical standards to a public sewer. Unless an industrial discharge permit amendment is approved by the City and its terms are being met. Such permit amendment may include a compliance schedule for activities necessary to meet pretreatment standards.

(i) Within ninety (90) days after the date for final compliance by existing industries with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into public sewer such industries shall submit a report indicating the nature and concentration of pollutants in the discharge from the regulated process(es) governed by categorical pretreatment standards and the average and maximum daily flow for these process units. Such report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices or pretreatment is necessary. Such industrial users shall also submit before June 1 and December 1 each year. Unless required more frequently by the City a report indicating the nature and concentration of pollutants in the discharge. The City may impose average and maximum daily flows and violations of applicable categorical pretreatment standards, and additional requirements for such Periodic Reports

(j) Industrial users shall immediately notify the City and the Town in person or by telephone followed by written notice of any slug discharge by such user.

(k) Reports and Permit Applications submitted by industrial under these rules and regulations, they shall be signed by an authorized representative. An authorized representative may be:

- I. A principal executive officer of at least a level of vice president, if the industrial user is a corporation.

- II. A general partner or the proprietor, if the industrial user is a partnership or sole proprietorship.
- III. A duly authorized representative of either of the individual designated above, if such representative is responsible for the overall operation of the subject facility.

(l) Industries subject to the reporting requirements of these rules and regulations shall maintain records of information resulting from monitoring activities required to prepare such reports.

Such records shall include for each sample:

- I. The date, exact place, method and time of sampling and the name(s) of person(s) taking the sample.
- II. The date(s) analyses were performed.
- III. The name(s) of the person(s) performing the analyses
- IV. The analytical techniques and methods used
- V. The results of such an analyses

Such records shall be maintained for a minimum of three (3) years and shall be made available for inspection and copying by the City or the Town.

(m) Information and date submitted to the City relating to waste water discharge characteristics shall be available to the public and governmental agencies without restriction. Other such agencies without restriction, unless the person providing such information specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge processes or methods of production entitled to protection as trade secrets. Trade secrets shall not be made available for inspection by the public, but may be made available upon the written requests of governmental agencies for their use regarding these rules and regulations, the National Pollutant Discharge Elimination System (NPDES) permit. State Disposal System permits and/or the pretreatment program. Information accepted by the City as being a trade secret shall be treated in accordance with M.G.L. CH. 4, Sec. 7 and 40 CFR 403.14.

(n) No person may utilize dilution as a means of complying with federal, state or local discharge limitations. The City may impose mass limitations (in addition to concentration limitations) on the discharge of any pollutant by any person.

(o) The City shall annually publish a report of industrial users that were significant violators during the previous twelve (12) months in the largest daily newspaper published in the Town where such industrial users are located. For purposes of this provision, a significant violation includes:

- I. A violation that remains uncorrected forty-five (45) days after notification of noncompliance.

- II. A pattern of noncompliance, that is over in a twelve (12) month period.
- III. A failure to accurately report noncompliance.
- IV. A violation resulting in the exercise of enforcement powers by the City or Town.

(p) The annual operating costs incurred by the City for implementation of the industrial pretreatment program, including the costs of labor, equipment, monitoring, sample analyses by City and outside laboratories, and related items, shall be recovered from industrial users. The City shall established annual permit fees to be paid by industrial users in the amounts necessary to recover such costs. The City may set different levels of permit fees various classes of industrial users and may adjust such fees on an annual basis to ensure that the industrial pretreatment program costs are fully recovered.

## ARTICLE VII

### Protection from Damage

Sec. 1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## ARTICLE VIII

### Powers and Authority of Inspectors

Sec. 1. The Superintendent and other duly authorized employees of the town shall be permitted to enter all properties connected to the public sewer for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these rules and regulations. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and sources of discharge to the sewers or waterways or facilities for wastes treatment.

Sec. 2. While performing the necessary work on private properties referred to in Article V, Section 1, above the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the owner, and the town shall indemnify an owner against loss or damage to its property by town employees.

Sec. 3. In addition to other authorizations under these rules and regulations regarding entry to public and private properties, the Superintendent and other duly authorized employees of the Town bearing proper credentials and identification 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 sewage works , 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.

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## ARTICLE IX

### Penalties

Sec. 1. The City or Town, after notifying (or attempting to notify) the discharger by telephone or in person, may immediately halt or prevent and discharge of pollutants to a public sewer. It should reasonably appear to present and imminent endangerment to the health or welfare of persons, or any such discharge presenting (or which may present) an endangerment to the environment or which threatens to interfere with operation of the City's waste water works or the public sewer. Actions which may be taken by the City or Town may include, but are not limited to, seeking injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the discharger. The City or Town is authorized to take all appropriate action to enforce the terms of an industrial discharge permit or these rules and regulations.

Sec. 2. Persons violating permits issued by the City or violating any other provision of these rules and regulations relating to industrial pretreatment shall be penalized up to one thousand dollars (\$1,000) per violation, with each day of violation being separated violation. Such penalty of up to one thousand dollars (\$1,000) per violation may be imposed in both civil and criminal proceedings. Persons violating provisions of these rules and regulations that do not relate directly or indirectly to industrial pretreatment requirements shall be penalized up to twenty dollars (20) per violation, with each day of violation being separate violation. Such penalty of twenty dollars (20) per violation may be imposed in both civil and criminal proceedings. The City or the Town may initiate court action to impose the maximum penalties authorized herein and by other laws. The city or Town may seek from a court of competent jurisdiction an order enjoining the violation of any provision of these rules and regulations or permit issued by the City.

Sec. 3. Any person violating any of the provisions of these rules and regulations shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

ARTICLE X

Validity

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Sec. 1. All rules and regulations or parts of rules and regulations in conflict herewith are hereby repealed.

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Sec. 2. The invalidity of any section, clause, sentence, or provision of these rules and regulations shall not affect the validity of any other part of these rules and regulations, which can be given effect without such invalid part or parts.

The above regulations were amended by vote of the board of Public Works on January 14, 1986.