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314 CMR: DIVISION OF WATER POLLUTION CONTROL

314 CMR 12.00: OPERATION, MAINTENANCE AND PRETREATMENT STANDARDS FOR WASTEWATER TREATMENT WORKS AND INDIRECT DISCHARGERS

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12.01: Purpose

Pursuant to the authority of M.G.L. c. 21, §§ 27(9), 27(12), 34 and 43 the Department hereby establishes standards and pretreatment requirements to insure the proper operation and maintenance of wastewater treatment works and the protection and enhancement of water resources within the Commonwealth.

12.02: Definitions

When used in 314 CMR 12.00 the following words and phrases shall have the following meanings:

Bypass - the intentional or unintentional diversion of wastes from any portion of a treatment works.

Categorical Pretreatment Standard or Pretreatment Standard - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Federal Water Pollution Control (Clean Water) Act, 33 U.S.C., §1317(b) and (c), which applies to Industrial Users. This term includes the general and specific prohibitions established in 314 CMR 12.08(1) and (2).

Combined Sewer Overflow or CSO - any intermittent overflow, bypass or other discharge from a municipal combined sewer system which results from a flow in excess of the dry weather carrying capacity of the system.

Combined Sewer System - a sewer system which by design conveys both wastewaters and storm water runoff.

Department - the Massachusetts Department of Environmental Protection.

Discharge or Discharge of Pollutants - any addition of any pollutant or combination of pollutants to waters of the Commonwealth from any source, including but not limited to, discharges from surface runoff which is collected or channeled by man, discharges through pipes, sewers, or other

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conveyances owned by a state, municipality, or other person which do not lead to a POTW, and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Effluent - a discharge of pollutants into the environment, whether or not treated.

Effluent Limitation or Effluent Limit - any requirement, restriction, or standard imposed by the Department on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the Commonwealth or to treatment works.

12.02: continued

Environmental Protection Agency or EPA - the United States Environmental Protection Agency.

Federal Act - the Federal Water Pollution Control (Clean Water) Act, 33 U.S.C., § 1251.

Hazardous Industrial Wastewater - wastewater that has been characterized as hazardous waste pursuant to 310 CMR 30.000: *Hazardous Waste*.

Hazardous Industrial Wastewater Sludge - solid or semi-solid waste that has been characterized as hazardous waste pursuant to 310 CMR 30.000: *Hazardous Waste*.

Hazardous Waste - a hazardous waste as defined 310 CMR 30.000: *Hazardous Waste*.

Indirect Discharger or Industrial User - the entity that introduces pollutants into a municipal sewer system from any non domestic source.

Industrial Waste - any liquid, gaseous, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business, or from the development or recovery of any natural resources.

Industrial Wastewater - waste in liquid form resulting from any process of industry, trade, or business, regardless of volume or pollutant content. Waste in liquid form consisting of only sewage is not considered industrial wastewater.

Industrial Wastewater Pretreatment - the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in industrial wastewater prior to or in *lieu* of discharging or otherwise introducing such pollutants into a collection system for a POTW.

Industrial Wastewater Pretreatment System or IWPS - a treatment works for Industrial Wastewater Pretreatment prior to discharge into a collection system for a POTW. A treatment works consisting solely of one or more of the following is not considered an IWPS:

- (a) Grease traps;
- (b) Oil-and-water separators such as Metropolitan District Commission (MDC)-designed traps;
- (c) Neutralization units which process less than 100 gallons per day;
- (d) Small Scale silver recovery units;
- (e) Limestone chip neutralization units; or
- (f) Closed loop systems.

Infiltration - water other than wastewater that enters a sewer system (including sewer connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Infiltration/Inflow - the quantity of water from both infiltration and inflow without distinguishing the source.

Inflow - water other than sanitary flow that enters a sewer system (including sewer connections) from sources that include, but are not limited to, sump pumps, roof leaders, cellar drains, yard

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drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

12.02: continued

Interference - an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal, which is a cause of or significantly contributes to either a violation of any requirement of the POTW's permit (including an increase in the magnitude or duration of a violation), or to the prevention of sewage sludge use or disposal by the POTW in accordance with applicable federal, state or local statutes and regulations, or permits issued thereunder. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with applicable requirements whenever such user:

- (a) Discharges a daily pollutant loading in excess of that allowed by contract with the POTW, or by federal, state or local law;
- (b) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or
- (c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation, or prevent sewage sludge use or disposal in accordance with the requirements applicable to the POTW's selected method of sludge management.

Massachusetts Water Quality Standards - 314 CMR 4.00: *Massachusetts Surface Water Quality Standards* and 314 CMR 5.00: *Ground Water Discharge Permit Program*.

New Source - any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced:

- (a) After promulgation of pretreatment standards under the Federal Act, P.L. 92 500, § 307(c) as amended by P.L. 95 217 and P.L. 95 576, 33 U.S.C. § 1251, which are applicable to such source; or
- (b) After proposal of pretreatment standards in accordance with P.L. 92-500, § 307(c) which are applicable to such source, but only if the standards are promulgated in accordance with P.L. 92-500, § 307(c) within 120 days of their proposal.

Pass Through - the discharge of pollutants through the POTW into waters of the Commonwealth in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's permit (including an increase in the magnitude or duration of a violation). An industrial user significantly contributes to such permit violation where it:

- (a) Discharges a daily pollutant loading in excess of that allowed by contract with the POTW, or by Federal, State or local law;
- (b) Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;
- (c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or
- (d) Knows or has reason to know that the POTW is violating the effluent limitations in its permit, and that such industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW violations.

Permit - an authorization issued pursuant to M.G.L. c. 21, § 43 and 314 CMR 2.00: *Permit Procedures*, 314 CMR 3.00: *Surface Water Discharge Permit Program*, 314 CMR 5.00: *Ground Water Discharge Permit Program*, 314 CMR 7.00: *Sewer System Extension and Connection Permit Program*, or 314 CMR 20.00: *Reclaimed Water Permit Program and Standards*.

Person - any agency or political subdivision of the Commonwealth, the federal government, any public or private corporation or authority, individual, partnership or association, or other entity,

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including any officer of a public or private agency or organization, upon whom a duty may be imposed by or pursuant to any provisions of M.G.L. c. 21, §§ 26 through 53.

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

12.02: continued

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

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, discharging or otherwise introducing such pollutants into a POTW.

Public Entity - any city, town, special district, the Massachusetts Water Resources Authority or other existing governmental unit eligible to receive a grant for the construction of treatment works from the United States Environmental Protection Agency pursuant to Title II of P.L. 92-500.

Publicly Owned Treatment Works or POTW - any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a public entity. A POTW includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RCRA - the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94 580, as amended by P.L. 95 609), 42 U.S.C. § 6901.

RCRA Facility - a hazardous waste management facility as defined in 314 CMR 8.03: *RCRA Facilities Subject to 314 CMR 8.00: Supplemental Requirements for Hazardous Waste Management Facilities*.

Sanitary Sewage or Sewage - the water-carried human or animal wastes from residences, buildings, industrial establishments or other places.

Sanitary Sewer Overflow or SSO - any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. The discharge of sewage into a building is not considered an SSO provided that the discharge was not the direct result of problems in the public sewer system.

SCADA System - a supervisory control and data acquisition system which transmits real-time data on the operating status of treatment works.

Septage - the liquid and solid wastes, primarily of sewage origin, that are removed from a cesspool, septic tank or similar receptacle.

Sewer Connection - the sewer pipes and appurtenant works needed to connect a building or estate to a sewer system.

Sewer Extension - the addition to a sewer system of a sewer pipe, together with appurtenant works, which when connected to the sewer system becomes the property of, and are operated and maintained by, the person owning the sewer system.

Sewer System - pipelines or conduits, pumping stations, force mains, and all other structures, devices, appurtenances, and facilities used for collecting and conveying wastes to a site or works

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for treatment or disposal.

Sewer System Authority - a public entity or agency of the Commonwealth that owns a sewer system.

State Act - the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53.

12.02: continued

Toxic Pollutants - those pollutants identified in 314 CMR 3.16: *Appendix A: Criteria for Determining a Concentrated Aquatic Animal Production Facility*, or any other combination of pollutants, including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly through food chains, may, on the basis of information available to the Department, cause death, disease, behavioral abnormalities, cancer, mutations, physiological malfunctions, biochemical abnormalities, including malfunctions in reproduction, or physical deformations, in such organisms or their offspring.

Treatment Works - any and all devices, processes, and real or personal properties, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation or reuse of waterborne pollutants, but not including any works receiving off site hazardous waste for the purpose of treatment, storage or disposal, or industrial wastewater holding tanks regulated under 314 CMR 18.00: *Industrial Wastewater Holding Tank and Container Construction, Operation, and Record Keeping Requirements*.

Wastewater - sewage, industrial waste, other wastes or any combination of the three.

Wastewater Treatment Facility or Wastewater Treatment Plant - any and all devices, processes and properties, real or personal, used in the storage, treatment, disposal, recycling, reclamation or reuse of waterborne pollutants, but not including any sewer system.

Waters of the Commonwealth - all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and ground waters.

12.03: Operations of Treatment Works and Sewer Systems

(1) No person shall construct, install, operate, or maintain a wastewater treatment facility, without the written approval of the Department pursuant to applicable provisions of 314 CMR 3.00: *Surface Water Discharge Permit Program*, 5.00: *Ground Water Discharge Permit Program*, 7.00: *Sewer System Extension and Connection Permit Program*, 8.00: *Supplemental Requirements for Hazardous Waste Management Facilities*, and 20.00: *Reclaimed Water Permit Program and Standards*.

(2) No person shall make major physical modifications to an existing treatment works, or such modifications as will significantly affect treatment efficiency without the prior written approval of the Department.

(3) No person shall increase the volume or strength or change the characteristics of any discharge in excess of that specified under any existing approval of the Department.

(4) Any person operating a wastewater treatment facility shall comply with 257 CMR 2.00: *Certification of Operators of Wastewater Treatment Facilities*. Said operating personnel must demonstrate that they are trained and competent to provide services consistent with the equipment's specification, with the operation and maintenance requirements specified by the vendor and the designer, and with any specified by the Department. As appropriate, the operator will receive training from the technology vendor and certification that they are capable of operating the specific technology.

(5) A sewer system authority owning or operating a system of sewers shall prepare and maintain rules and regulations for sewer use that provide for the protection of the treatment works, the wastewater treatment facility, and the receiving waters. The Department may require modification of such rules and regulations as needed to address any violations of any applicable law, regulation or permit. Upon written request, the rules and regulations for sewer use shall be submitted to the Department. The rules and regulations shall be implemented and enforced by the sewer system authority. At a minimum, the rules and regulations must contain the following provisions.

12.03: continued

- (a) Specific limits necessary for compliance with the provisions of 314 CMR 12.08(1) and (2), including provisions to control discharges of fats, oil, and grease to the sewer system;
- (b) Prohibitions against the discharge of groundwater, surface water, stormwater runoff, and subsurface drainage to the sewer system;
- (c) Authority to physically access properties connected to the sewer system to ensure compliance with sewer use regulations;
- (d) Measures to address non-compliance with sewer use rules and regulations; and
- (e) Requirements for a permit or approval from the sewer authority for any new connection to the sewer system, or extension to the system.

(6) All wastes shall receive appropriate treatment as required by 314 CMR 3.00: *Surface Water Discharge Permit Program*, 5.00: *Ground Water Discharge Permit Program* and 20.00: *Reclaimed Water Permit Program and Standards*.

(7) No person responsible for the operation of treatment works shall permit wastes to bypass the wastewater treatment facility or any portion, unit or part thereof in violation of a discharge permit, except when approved by the Department due to design limitations. If bypassing due to an emergency condition occurs, the Department shall be notified immediately in accordance with 314 CMR 12.03(8). Such notification or its acknowledgement shall not be construed as permission by the Department to discharge wastes in contravention of the Massachusetts Water Quality Standards.

(8) Persons owning or operating a sewer system shall report bypasses and/or overflows as follows:

- (a) In the event of an anticipated bypass or sanitary sewer overflow, the owner or operator shall provide notification to the Department on a form approved by the Department, at least ten days prior to the event, if possible.
- (b) In the event of an unanticipated bypass or sanitary sewer overflow, as soon as the owner or operator has knowledge of the bypass or sanitary sewer overflow but in no event later than 24 hours after its first occurrence, the owner or operator shall provide notification to the Department, on a form approved by the Department, of such an event.
- (c) Within five days of either 314 CMR 12.03(8)(a) or (b), the owner or operator shall provide the following information to the Department, on a form approved by the Department: All the activities that led up to the event; steps taken to minimize the impact of the event on public health, safety and the environment; and, steps taken to prevent such an event from happening in the future.

(9) The Department may require that all valved waste bypass lines or outfalls which discharge to the waters of the Commonwealth have a seal installed that will be broken whenever the valve is opened. Such seals shall not be replaced without the approval of the Department or its authorized representatives. A schedule for periodic testing of valves must be approved by the Department.

(10) All flow regulators and other like devices in a sewer system shall be maintained in a manner preventing discharge at less than the designed overflow rate, and in no instance at less than the dry weather flow conditions if the designed overflow rate is not known.

(11) Any person operating a sewer system or wastewater treatment facility constructed after January 1, 1940 shall maintain a permanent and adequate sets of plans for such facility. Any

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person operating sewer systems or wastewater treatment facilities constructed on or before January 1, 1940 shall maintain the permanent and adequate sets of plans which were available at the time of adoption of 314 CMR 12.00. Sewer system plans shall indicate location, size, slope and type of material comprising the pipe and any appurtenances.

(12) All records referred to in 314 CMR 12.07 and all plans and descriptions of wastewater treatment facilities and related appurtenances required by 314 CMR 12.03(11) shall be made available to the Department upon request.

12.03: continued

(13) Notwithstanding any other provision of 314 CMR 12.00, a POTW may accept and process organic material as defined in 310 CMR 16.02: *Definitions*, in anaerobic digesters operated at its wastewater treatment facility with prior written approval of the Department. Fish and animal material from slaughterhouses, butchering and processing facilities, pet food production facilities and supermarkets may not be accepted into anaerobic digesters operated at a wastewater treatment facility without specific written approval of such materials by the Department.

(14) The Department may require modification of a presumptively approved submission as needed to address a violation of any applicable law, regulation or permit.

(15) Where the Department determines that any discharge of pollutants or other condition in violation of the provisions of 314 CMR 3.00: *Surface Water Discharge Permit Program*, 4.00: *Massachusetts Surface Water Quality Standards*, 5.00: *Ground Water Discharge Permit Program*, 7.00: *Sewer System Extension and Connection Permit Program*, 12.00: *Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers*, or 20.00: *Reclaimed Water Permit Program and Standards* is occurring, or that inadequacies in the design or capacity of a sewer system exist, or that additional extensions or connections to, or the increased use of, a sewer system will result in violations of the provisions of the State Act or regulations promulgated thereunder or contribute to the inadequacies in the design or capacity of the sewer system, the Department may take action it deems necessary to address such conditions, including but not limited to:

(a) Order the person owning or operating the sewer system to:

1. implement a program for connections to the system that requires the removal or ensures the removal of an adequate amount of infiltration/inflow to off-set said connections at a ratio determined in the Order;
2. prohibit further connections to or extensions of the sewer system except in accordance with the terms of the Order;
3. undertake the necessary design, construction and repair work required to eliminate such discharges, violations or inadequacies; and
4. take such other actions as may be necessary.

12.04: Maintenance of Treatment Works and Sewer Systems

(1) All persons operating wastewater treatment facilities shall prepare, adopt and keep current an operation and maintenance manual. The operation and maintenance manual shall be submitted to the Department for review and approval. The manual will be presumed approved if the Department does not issue a written approval, conditional approval, denial or request for further information within 90 days after submittal. The submittal and issuance dates are the dates that the manual and the Department's approval, conditional approval, denial or information request are postmarked. The manual shall be implemented as approved. The operation and maintenance manual shall contain all information needed by the operator of the treatment works to properly operate and maintain said treatment works in accordance with the requirements of 314 CMR 12.00, and shall include at a minimum the following items:

- (a) Introduction;
- (b) Permits and Standards;
- (c) Description, Operation and Control of Wastewater Treatment Facilities;
- (d) Description, Operation and Control of Sludge Handling Facilities;
- (e) Description, Operation, Control and Testing of the Chemical Addition and Monitoring System;

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- (f) Personnel;
- (g) Sampling and Laboratory Analysis;
- (h) Records and Reporting;
- (i) Maintenance;
- (j) Emergency Operating and Response Program;
- (k) Safety;
- (l) Utilities and Energy Requirements;
- (m) Infiltration and Inflow Removal;
- (n) Emergency Notification Procedures for overflows or bypasses in accordance with 314 CMR 12.03(8).

12.04: continued

(2) All sewer system authorities shall develop and implement an ongoing plan to control infiltration and inflow (I/I) to the sewer system, which shall be submitted upon request of the Department for review and approval. The plan shall describe the preventative maintenance program that identifies and mitigates infiltration/inflow entering the sewer system in order to prevent all unauthorized discharges of wastewater, including, but not limited to, sanitary sewer overflows and by-passes due to excessive infiltration/inflow. The plan shall include:

(a) An ongoing program to identify and eliminate sources of infiltration and inflow. The program shall include the necessary funding level and the source(s) of funding to implement the program.

(b) An inflow identification and control program that focuses on the disconnection and redirection of public and private sources of illegal inflow. Priority shall be given to removal of public and private inflow sources that are upstream from, and potentially contribute to, known areas of sewer system backups and/or overflows.

(c) A phased evaluation of the sewer system, consistent with the Department's *Guidelines for Performing Infiltration/Inflow Analysis and Sewer Systems Evaluation Survey*, to determine its existing condition, the presence and quantity of infiltration and inflow into the system, and locations and risks of wet weather sanitary sewer overflows or by-passes in the sewer system. The Infiltration/Inflow Analysis may assess a range of design storms, but shall specifically assess the risk of sewer system overflows for a five year, 24 hour storm event. The sewer system authority shall proceed with the evaluation in accordance with the following scope and schedule, unless otherwise required by the Department pursuant to an enforcement order:

1. On or before December 31, 2017, complete an Infiltration/Inflow Analysis of the sewer system, and submit a report to the Department for review and approval describing the work completed, the findings from the sewer metering program and Infiltration/Inflow Analysis, and a recommended plan and schedule to proceed with a Sewer System Evaluation Survey in areas of the sewer system determined to have excessive infiltration or inflow.

2. Complete and report on the Sewer System Evaluation Survey in accordance with terms and schedules set forth in the approved Infiltration/Inflow Analysis report. The results of each Sewer System Evaluation Survey shall be included in a report, submitted to the Department for review and approval, which identifies excessive infiltration and inflow, recommends actions to address excessive infiltration and inflow sources, and a schedule for such actions.

3. Where the sewer system authority has completed the plans identified in 314 CMR 12.04(2)(c)1. and 2. and is in the process of implementing the recommended actions identified in the Sewer System Evaluation Survey, those plans, along with an update as to what recommendations have been completed, and what remains to be completed, including a schedule for completion, may be submitted on or before December 31, 2017 to the Department for review and approval in lieu the requirements of 314 CMR 12.04(2)(c)1. and 2.

4. The plans identified in 314 CMR 12.04(2)(c)1., 2., and 3. will be presumed approved if the Department does not issue a written approval, conditional approval, denial or request for further information within 120 days after submittal. The submittal and issuance dates are the dates that the plans, the Department's approval, conditional approval, denial or information request are postmarked. The Department may require modification of a presumptively approved submission as needed to address violations of any applicable law, regulation or permit.

(d) For those sewer system authorities with NPDES discharge permits for combined sewer

overflows, and for all sewer systems tributary to such sewer systems, and for other sewer systems which the Department specifically determines are at risk of wet weather sanitary sewer overflows (SSOs), the infiltration and inflow plan shall also include a program to address impacts from new sewer connections and extensions to the sewer system. All sewer system authorities shall include provisions in their I/I plan for mitigating impacts from any new connections or extensions where proposed flows exceed 15,000 gallons per day. Such mitigation shall require that four gallons of infiltration and/or inflow be removed for each gallon of new flow to be generated by the new sewer connection or extension, unless otherwise approved by the Department. The sewer system authority or the Department may require a higher removal rate per gallon of new flow in sensitive areas such as where overflows have the potential to impact drinking water supplies or nitrogen sensitive areas.

12.04: continued

(3) All wastewater treatment facilities shall be provided with adequate operating personnel to ensure proper operation and the required degree of treatment at all times.

(4) In order to assure proper operation and maintenance, the Department may determine and require a minimum number of shifts and personnel per shift for any wastewater treatment facility considering the size, complexity and safety requirements of the particular facility. Any person operating wastewater treatment facilities shall prepare and submit to the Department a staffing plan for review and approval. The Department may utilize the *Northeast Guide For Estimating Staffing at Publicly and Privately Owned Wastewater Treatment Plants*, prepared by New England Interstate Water Pollution Control Commission and dated November 2008, along with any other relevant information, as a guide for determining the appropriate staffing level a wastewater treatment facilities with a design flow of 0.25 million gallons per day or higher. The plan will be presumed approved if the Department does not issue a written approval, conditional approval, denial or request for further information within 90 days after submittal. The submittal and issuance dates are the dates that the manual and the Department's approval, conditional approval, denial or information request are postmarked. The plan shall be implemented as approved. Said staffing plan shall contain a description of the number, certifications, and qualifications of personnel needed to ensure proper and continuous operation of the facility, and shall address the following items:

- (a) Number of operational days per week;
- (b) Number of operational hours per week;
- (c) Number of shifts per day;
- (d) Required personnel per shift;
- (e) Saturday, Sunday and Holiday staff coverage; and
- (f) Emergency operating personnel.

The staffing plan shall be updated every two years. If the owner of the wastewater treatment facility intends to contract for operation of the facility, such owner remains ultimately responsible for the proper operation and maintenance of the facility. The proposed contract and a list of all other facilities, including the names of all certified and non certified personnel employed at each wastewater treatment facility for which the proposed contract operator is responsible, shall be submitted to the Department prior to execution of the contract for review and approval. The contract shall be deemed approved if the Department does not issue a written approval, conditional approval, denial or request for further information within 90 days after submittal of the contract and list. The submittal and issuance dates are the dates that the contract and list, and the Department's approval, conditional approval, denial or information request are postmarked.

(5) Any person operating a sewer system which includes pump stations shall provide for routine inspection of the pump station facilities to ensure safe and proper operation of the pump station. These measures shall include, at a minimum:

- (a) daily inspections of all pump stations which are designed to pump peak flows of 100,000 gallons per day or greater;
- (b) weekly inspections of all pump stations which are designed to pump peak flows of less than 100,000 gallons per day, and
- (c) An inspection log book or electronic record shall be maintained by the operator, and shall include, at a minimum, the date of inspection, the operational condition of the station, the need for any preventive maintenance or repairs, and the dates and description of such preventive maintenance and repairs.

Less frequent inspections may be allowed by the Department only if the pump station is

equipped with a SCADA system that provides real-time information on the status of the station to the system operator and if such an alternative inspection schedule is proposed by the sewer system operator and approved by the Department in writing.

(6) All pumping, ejector or lift stations shall be provided with an adequate and operational alarm system that will transmit a warning of a malfunction at the station to a manned facility. Operational alarm systems shall be tested at least twice annually.

12.04: continued

(7) All pumping, ejector or lift stations shall be provided with an independent engine/ generator type source of electric power or an alternate source of power completely separate and apart from that supplied by the electric utility for emergency operations. This source shall be automatically activated by failure of any phase of the power supply or upon any fluctuation in voltage, the amount or duration of which would cause damage to the motors. As an alternative for small pumping ejector or lift stations which are not located adjacent to drinking water supplies, storage (including system storage) equal to the maximum daily amount of wastewater (including infiltration and inflow) which can be expected may be provided, or a portable standby generator may be used, or a portable engine driven pump which can be readily connected to the force main may be supplied. Electric generators and engine driven pumps shall be tested at least twice annually.

(8) Any person operating a treatment works shall control the discharge of septage so that its entry into the wastewater treatment facility will not interfere with the proper operation and maintenance of the facility, degrade the effluent or violate the current Massachusetts Water Quality Standards.

(9) Any person operating treatment works shall maintain them in a manner that will ensure proper operation of the works, or any part thereof.

(10) Any person operating treatment works shall establish and implement a preventive maintenance program to assure the efficient operation of all facilities and equipment.

(11) Any person operating a treatment works shall provide sufficient and adequate tools, equipment, spare parts and supplies to maintain and operate all appurtenances of the works on a continuing basis.

(12) A reserve supply of all parts and supplies having a high replacement rate shall be on hand at all times.

(13) All standby and other equipment shall be maintained in operable condition.

(14) All tidegates and flap valves shall be maintained in operable condition.

(15) The Department may require modification of a presumptively approved submission as needed to address a violation of any applicable law, regulation or permit.

12.05: Safety Program

(1) All equipment and tools utilized by personnel working on treatment works shall be maintained by all persons in a safe and useable condition.

(2) Any person maintaining chlorine equipment at wastewater treatment facilities shall be provided with a self contained compressed air breathing apparatus and be instructed in its use. It is strongly suggested that an emergency tank repair kit be provided at facilities utilizing gaseous chlorine and that personnel be instructed in the use of such repair kit.

(3) Self contained compressed air masks, air tanks and all connections thereto shall be inspected and tested at least once every six months for general condition and operating functions. The tank

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shall be inspected for safety and structural integrity once every five years.

(4) At least one spare fully charged cylinder shall be kept on hand when self contained compressed air masks are provided as required under 314 CMR 12.05(2).

(5) Any person operating a sewer system or a wastewater treatment facility shall submit a report to the Department concerning any death or major injuries occurring at said system or facility. The report shall include as a minimum:

- (a) the duties of the individual or individuals involved;
- (b) what occurred;

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- (c) the cause (if known) of the accident;
- (d) the extent of injuries; and
- (e) the steps taken to minimize and prevent future accidents.

A copy of the insurance or municipal accident report will be accepted if the above items are included.

(6) Personnel involved in the maintenance and operation of sewer systems and wastewater treatment facilities shall be provided access to properly operating devices to determine the degree of flammability of an atmosphere and the amount of oxygen in an atmosphere. They shall also be provided with safety harnesses, rope, and any other safety devices required by their duties and responsibilities.

(7) Any person operating a sewer system or wastewater treatment facility shall provide adequate means for the practice of good personal hygiene by working personnel.

(8) At least one person on each shift should have an up to date certificate of training in basic or, preferably, advanced first aid obtainable through the American Red Cross.

(9) All wastewater treatment facilities personnel shall have immediate access to a first aid kit which shall be stocked with adequate supplies at all times.

(10) Any person operating a treatment works receiving sewage shall provide all personnel working at such works with all inoculations as required by the Department of Public Health.

(11) Water proof gloves shall be provided for working personnel who are likely to come into contact with sewage. It is strongly suggested that a complete change of work clothes be provided during working hours.

(12) Any and all alarm systems provided by wastewater treatment facility operators and sewer system operators shall be maintained in an operable condition and the operators shall test the alarm systems semi annually and submit all test results to the Department.

(13) Any and all chemical storage, metering systems, monitoring and associated alarms provided at a wastewater treatment facility for chemical addition shall be maintained in an operable condition and test monthly at a minimum. Operators shall test and calibrate the devices annually and shall submit all test results to the Department.

12.06: Sampling and Analysis

(1) Any person operating a wastewater treatment facility shall provide laboratory facilities as required by the Department.

(2) All sampling and analysis required under 314 CMR 12.00 shall be conducted in compliance with 40 CFR Part 136 or other methods approved by the Department.

(3) Any person operating a wastewater treatment facility shall provide adequate laboratory equipment and supplies. No reagents shall be used that are contaminated or beyond the age recommendations of *Standard Methods for the Examination of Water and Wastewater*.

(4) The Department may determine the type and frequency of laboratory test results and other data each particular wastewater treatment facility is required to submit.

12.07: Recordkeeping and Reporting

(1) Monthly operating records shall be maintained in accordance with the Department's publication titled Directions for Completing Monthly Report Form for Wastewater Treatment Plants, made available by the Department on request. All daily inspection logs consistent with the *O & M Manual* requirements shall be kept at the wastewater treatment facility for a period of three years.

12.07: continued

(2) Records of operation of wastewater treatment facilities or disposal systems required by the Department shall be submitted on forms supplied by the Department, on other forms approved by the Department for such use, or through eDEP. Monthly reports shall be certified by the wastewater treatment plant operator in charge and submitted by the tenth calendar day of the following month, unless otherwise specified in the permit. The Department may change the date of submittal upon receiving a written request from the person explaining the reason that 314 CMR 12.00 imposes an unreasonable hardship.

(3) Records shall be maintained of septage discharged to the treatment works and organic material accepted and processed in all anaerobic digesters at POTWs pursuant to 314 CMR 12.03(13). They shall contain at a minimum, the date, time, source, volume discharged and whether or not the load contained industrial wastes. Septage discharged at a wastewater treatment facility shall be tested for pH. These records shall be made available to the Department upon request.

(4) Data contained in the monthly operating records or other such records submitted to the Department shall be factually accurate to the best knowledge of the person operating the wastewater treatment facility.

(5) Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by 314 CMR 12.00 shall be retained for a period of at least three years from the date of the sample, measurement, or report. The retention period may be extended by the Department at any time. Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The name of the individual(s) who performed the sampling or measurement;
- (c) The date(s) analyses were performed;
- (d) The name of the individual(s) who performed the analyses;
- (e) The analytical techniques or methods used; and
- (f) The results of such analyses.

(6) Every person owning a sewer system shall maintain records on all sanitary and industrial sewer connections authorized to discharge to the sewer system. By January 31st of each year, the owner of the sewer system shall submit to the Department an annual sewer connection/extension report documenting all connections and extensions made to the system in the prior calendar year, the flows associated with each new connection and extension, and quantification of any infiltration and inflow reduction work completed to offset the impacts of the additional flow. A copy of the annual sewer connection/extension report shall also be provided to the owner of the wastewater treatment facility receiving flow from the sewer system.

12.08: Prohibitions and Standards for Discharge to POTWs

(1) General Prohibitions. No person shall discharge or cause to be discharged to a POTW any substances, materials, or wastewaters that can: harm the sewers, wastewater treatment process, or equipment; have an adverse effect on the receiving waters; or otherwise endanger life, limb, public property, or constitute a nuisance. In determining the acceptability of these wastewaters, consideration shall be given to such factors as the quantities of such wastewaters in relation to flows and velocities in the sewers, construction of or materials comprising sewers, nature of the wastewater treatment process, capacity of the wastewater treatment process, degree of treatability

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of such wastewaters in the wastewater treatment plant, and other pertinent factors. Pollutants introduced into POTW's by a non domestic source shall not pass through the POTW or interfere with the operation or performance of the treatment works. These general prohibitions and the specific prohibitions in 314 CMR 12.08(2) apply to all non domestic sources introducing pollutants into a POTW whether or not the source is subject to other pretreatment standards or any other federal, state, or local pretreatment requirements.

(2) Specific Prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

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

12.08: continued

- (b) Pollutants which will cause corrosive structural damage to the POTW, and in no case discharges with pH lower than 5.5, unless the works is specifically designed to accommodate such discharges;
- (c) Solid or viscous pollutants, including fats, oils and grease in amounts which will cause obstruction to the flow in the POTW resulting in interference;
- (d) Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
- (e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, and in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104 F), unless the Department, upon request of the POTW, approves alternate temperature limits.
- (f) More than one part per billion (ppb) of mercury. In the event a local mercury limit established under 314 CMR 12.09(1) is applicable to an indirect discharge to a POTW, the most stringent mercury standard shall apply.

(3) Local Limits. Any indirect discharger shall comply with the local sewer use rules and regulations established pursuant to 314 CMR 12.03(5).

(4) Categorical Pretreatment Standards. In addition to the general and specific prohibitions and local limits established in 314 CMR 12.08(1) through (3), industrial users shall comply with applicable categorical pretreatment standards established in 40 CFR Chapter I, Subchapter N.

(a) Deadline for Compliance. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in applicable Federal law or regulations. Compliance with categorical pretreatment standards by new sources will be required upon promulgation.

(b) Dilution Prohibited. Except where expressly authorized by an applicable categorical pretreatment standard, no industrial user shall increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standard.

(c) Combined Waste Streams. Where process effluent regulated by a categorical pre-treatment standard is mixed with other wastewaters prior to treatment, fixed alternative discharge limits may be established in accordance with 40 CFR 403.6(e).

(d) POTW Removal Credits. Any POTW receiving wastes from an industrial user subject to categorical pretreatment standards may request revision of discharge limits for a specific pollutant based on the POTW's consistent removal of that pollutant. Any such request shall be made and determined in accordance with 40 CFR 403.7, 403.9 and 403.11.

(e) Fundamentally Different Factors. Where factors relating to an industrial user are fundamentally different from the factors considered by EPA during the development of a categorical pretreatment standard, and the existence of those factors justifies a different discharge limit from that specified in the standard, any person may request a fundamentally different factors variance from the applicable categorical pretreatment standard. Requests for such variances shall be submitted and determined in accordance with 40 CFR 403.13.

(f) Category Determination Requests. A request for a determination as to whether an industrial user is included in a particular industrial category shall be submitted to and processed by the Department in accordance with the provisions of 40 CFR 403.6(a).

(g) Reporting Requirements. Any industrial user subject to categorical pretreatment standards shall prepare and submit the reports required by, and in accordance with 40 CFR 403.12.

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(5) State Imposed Standards. Where necessary to enforce the prohibitions in 314 CMR 12.08(1) and (2), the Department may establish on a case by case basis, specific limits on the discharge of wastewater from any user. Such limits may be established as a condition of an administrative order issued to the discharger pursuant to M.G.L. c. 21, § 44.

(6) Where more than one standard established by 314 CMR 12.08(1), (2), (3), (4), or (5) is applicable to an indirect discharge to a POTW, the most stringent standard shall be applied.

(7) Any pretreatment facility which treats hazardous waste must also comply with the requirements of 310 CMR 30.000: *Hazardous Waste*.

12.08: continued

(8) No person owning or maintaining a sewer system shall operate such system in a manner that causes, or allows additional sewer extensions or sewer connections to the system that would result in:

- (a) Any surcharging, overflow or bypassing of the system that is not authorized by a discharge permit issued by the Department pursuant to M.G.L. c. 21, § 43;
- (b) An increase in a surcharge, overflow or bypass permitted by the Department that results in the elimination of an existing beneficial use of the receiving waters as established in the Massachusetts Water Quality Standards or the creation of a threat to the public health, safety or the environment; or
- (c) Any violation of 314 CMR 12.00.

(9) No person owning, maintaining or using a sewer connection shall discharge or allow the discharge of wastewaters through such connection that results in a threat to the public health, safety, or the environment or a violation of 314 CMR 12.00.

(10) No person shall construct or allow the construction of sewer lines and associated appurtenances within a Zone I of a Public Water Supply Well or the Zone A of a Public Surface Water Supply, unless the construction is necessary to eliminate existing sources of pollution or to cross a tributary to the surface water. In cases where construction within Zones I or A are necessary, the construction of the sewer lines and associated appurtenances shall be designed using watertight construction methods.

12.09: POTW Pretreatment Programs(1) POTW imposed Limits.

- (a) POTWs developing POTW Pretreatment Programs pursuant to 314 CMR 12.09(2) shall develop and enforce specific limits to implement the prohibitions listed in 314 CMR 12.08(1) and (2).
- (b) All other POTWs shall, in cases where pollutants contributed by industrial user(s) result in interference or pass through and such violation is likely to recur, develop and enforce specific effluent limits for industrial users, and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant or its operation, are necessary to ensure renewed and continued compliance with the POTW's permit, or sludge use or disposal practices.
- (c) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
- (d) Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with 314 CMR 12.08(3)(a) and (b), such limits shall be deemed pretreatment standards for the purposes of § 307(d) of the Federal Act, 33 U.S.C., § 1317(d).

(2) POTW Pretreatment Programs.

- (a) POTWs Required to Develop a Pretreatment Program. Any POTW (or combination of POTWs operated by the same person) with a total design flow greater than 5,000,000 gallons per day (mgd) which receive pollutants that pass through or interfere with the operation of the POTW from industrial users, or are otherwise subject to pretreatment standards, are required to establish a POTW Pretreatment Program. The Department may require a POTW with a design flow of five mgd or less to establish a POTW Pretreatment Program if the Department finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other

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circumstances warrant in order to prevent interference with the POTW or pass through. In addition, any POTW desiring to modify categorical pretreatment standards for pollutants removed by the POTW [as approved for by 314 CMR 12.08(4)(d)], must have an approved POTW Pretreatment Program prior to obtaining final approval of a removal allowance.

Requirements to develop a POTW pretreatment program, including a schedule for adoption of the program, shall be incorporated in the POTW discharge permit issued pursuant to 314 CMR 3.00: *Surface Water Discharge Permit Program* or 314 CMR 5.00: *Ground Water Discharge Permit Program*, and may be a cause for modification of such permit.

12.09: continued

(b) Pretreatment Program Approval. A POTW which meets the criteria of 314 CMR 12.09(2)(a) shall receive approval of its pretreatment program in accordance with the applicable deadline established under the Federal Act, 33 U.S.C. § 317(b), (c) or (d).

An approved POTW pretreatment program shall be incorporated as a condition of the POTW's discharge permit issued pursuant to 314 CMR 3.00: *Surface Water Discharge Permit Program* or 314 CMR 5.00: *Ground Water Discharge Permit Program*, and incorporation of the approved program may be cause for modification of such permit.

A POTW pretreatment program shall meet the requirements of 40 CFR 403.8(f) and be approved in accordance with the requirements of 40 CFR 403.9 and 403.11.

(3) POTW Reporting. A POTW which has received authorization to modify categorical pretreatment standards for pollutants removed by the POTW in accordance with the requirements of 314 CMR 12.08(4)(d) shall submit the reports required by, and in accordance with the provisions of 40 CFR 403.12(i), (j) and (n).

12.10: Exemptions

(1) Dry cleaners subject to 310 CMR 72.00: *Industrial Wastewater Standard for Dry Cleaners* need only comply with the following provisions of 314 CMR 12.03(3) and 12.08(1) and (2).

(2) Photo processors subject to 310 CMR 71.00: *Industrial Wastewater Regulations for Photo Processors* need not comply with any provisions of 314 CMR 12.00.

(3) Printers subject to 310 CMR 71.00: *Industrial Wastewater Regulations for Photo Processors* need not comply with any provisions of 314 CMR 12.00.

(4) Dental facilities subject to 310 CMR 73.00: *Amalgam Wastewater and Recycling Regulations for Dental Facilities* need not comply with any provisions of 314 CMR 12.00.

12.11: Requirements for Industrial Wastewater Pretreatment Systems

(1) Design and Construction Standards for Industrial Wastewater Pretreatment Systems. An Industrial User with an IWPS onsite shall ensure that the IWPS meets the following minimum standards for design and construction:

- (a) Be designed to meet all local discharge standards and the applicable Categorical Industrial User standards in 40 CFR Chapter I, Subchapter N;
- (b) Be equipped to treat at least 120% of maximum daily flow;
- (c) Be designed to prevent the intentional diversion of wastewater that does not meet discharge standards;
- (d) Be designed to prevent mixing of incompatible wastewaters during transport and treatment;
- (e) Provides the necessary equipment and access to ensure safe operation and maintenance;
- (f) Provides accessible locations for representative sample collection;
- (g) Provides odor control measures necessary to prevent nuisance conditions;
- (h) Complies with hazardous waste management rules at 310 CMR 30.605: *Special Requirements for Wastewater Treatment Units* if the IWPS will treat hazardous industrial wastewater or hazardous industrial wastewater sludge; and
- (i) Be constructed in accordance with engineering plans reviewed, stamped, and signed by a Massachusetts Registered Professional Engineer (MAPE) with the appropriate specialty

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(including but not limited to chemical, civil, or environmental engineering). Modifications to an IWPS shall be made in accordance with revised plans reviewed, stamped and signed by a MAPE.

(2) Operation and Maintenance Manual Requirements for IWPS. The owner or operator of an IWPS shall prepare, keep current, and implement an operation and maintenance manual. The operation and maintenance manual shall contain, at a minimum, the following items:

- (a) An introduction, including a general description of the facility and its industrial wastewater.
- (b) Copies of all permits and standards, including any local permit and applicable categorical pretreatment standards.

12.11: continued

- (c) A description of the IWPS, which shall include:
 1. A description of the principal treatment processes;
 2. A description of the sources of water supply;
 3. Identification of the sources of sanitary and industrial waste streams;
 4. A description of any by-product recovery systems;
 5. A description of liquid waste flow control measures;
 6. A flow and material balance diagram; and
 7. A list of raw materials used.
 - (d) A description of the operation and management of the industrial wastewater sludge handling facility and the name and location of the final sludge reuse, recycling, or disposal facility or site.
 - (e) Sampling and analytical procedures, including sampling locations, sampling frequencies, and analytical methods.
 - (f) A maintenance plan, including daily operating procedures and a periodic inspection plan.
 - (g) Emergency operating and response procedures, including a clear description of the communication among facility personnel and outside response agencies, emergency response procedures, and an emergency response equipment list and operating instructions.
 - (h) A safety plan, including general operating safety practice requirements and specific handling practices for all hazardous wastes at the facility.
 - (i) A utility and supply plan, including each system's utility, major equipment list, and major equipment spare part list.
 - (j) A personnel management plan, including a facility staffing plan, operator certifications (if applicable), and personnel training programs, including training relating to the safety plan, the maintenance plan, the emergency operating and response program, and documentation of the training provided to relevant facility staff.
- (3) Reporting and Record Keeping Requirements for IWPS.
- (a) An Industrial User with an IWPS shall maintain the following records at the facility for at least three years and the records shall be made available for review by EPA, the Department, and the local or regional sewer authority upon request:
 1. All permits and approvals required by federal, state, local or regional authorities;
 2. The current facility plan for the IWPS and any related engineering evaluation reports;
 3. As built construction plans of the IWPS; and
 4. All records related to decommissioning of the IWPS such as the date of the system decommissioning, shipment records, and a brief description of how the IWPS was decommissioned.
 - (b) An Industrial User with an IWPS shall maintain the following records at the facility for at least three years; however, this period shall be automatically extended for the duration of any enforcement action, and the records shall be made available for review by EPA, the Department, and the local or regional sewer authority upon request:
 1. Operation and maintenance records, including but not limited to, a daily operation log, a routine inspection log, an equipment maintenance log, a sludge management log with sludge shipment records, and a chemical and supply inventory;
 2. Sampling and analysis records, including but not limited to, chain of custody documents, raw data, quality assurance and quality control results, and analytical reports; and
 3. Documentation by the owner or operator that it has reviewed the IWPS and operation and maintenance manual annually and updated the manual appropriately.
 - (c) Industrial Users shall provide notification to the sewer system authority and the

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receiving wastewater treatment facility of any actual or proposed discharge of those pollutants listed in 314 CMR 3.17: *Appendix B - Toxic Pollutants* or of pollutants which would be subject to 33 U.S.C. §§ 1311, 1316 and 1317 and the regulations promulgated thereunder if they were directly discharged by the Industrial User.

(4) Decommissioning IWPS. The owner or operator decommissioning an IWPS shall comply with the following IWPS decommissioning requirements:

(a) Collect, treat, and dispose of the IWPS contents in accordance with applicable provisions in the following:

1. 310 CMR 30.000: *Hazardous Waste*;

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2. 310 CMR 19.00: *Solid Waste Management*;
 3. Local sewer use regulations;
 4. 314 CMR 3.00: *Surface Water Discharge Permit Program*; and
 5. 314 CMR 5.00: *Ground Water Discharge Permit Program*.
- (b) Decommission the IWPS.
1. Pump and haul away the remaining contents of the system;
 2. Clean the system and related areas as necessary; and
 3. If any part of the system is in the ground, comply with one of the following options:
 - i. Remove the system from the ground;
 - ii. Fill any empty tanks with clean sand, soil, or other inert material; or
 - iii. Change the function of the system permanently.
- (c) Disconnect the decommissioned IWPS from the sewer system and keep all the decommissioning records as specified in 314 CMR 12.11(3).
- (d) Report the decommissioning process to the receiving POTW with the following information:
1. Date of decommissioning;
 2. Person responsible for decommissioning;
 3. Description of decommissioning process; and
 4. Record of final shipment of system's remaining contents.

12.12: Enforcement

- (1) It shall be a violation of 314 CMR 12.00 for any person to make any false, inaccurate, incomplete or misleading statement in any submission to the Department related to the requirements of 314 CMR 12.00.
- (2) Notwithstanding any provision of 314 CMR 12.00 to the contrary, any person violating any provision of 314 CMR 12.00 shall be subject to the full range of legal actions authorized by law, including without limitation, criminal fines, civil and administrative orders and/or penalties.

REGULATORY AUTHORITY

314 CMR 12.00: M.G.L. c. 21, §§ 27(12) and 34.

NON-TEXT PAGE