# TOWN OF WEBSTER

# SEWER USE REGULATIONS

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TOWN OF WEBSTER

SEWER USE REGULATIONS

Pursuant to the provisions of Massachusetts General Laws Chapter 83, Section 10 and Sections 5-4 and 5-5 of the Webster Home Rule Charter, The Board of Selectmen of the Town of Webster hereby establish the following Regulations governing the use of the wastewater collection and treatment system of the Town of Webster.

## SECTION 1 GENERAL PROVISIONS

### 1.1 Purpose and Policy

These regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Webster (the **"Town"**), and enable the Town to comply with all applicable requirements under Massachusetts and Federal law, including, without limitation, the Clean Water Act, as amended, 33 U.S.C. *1251 et seq., and the General Pretreatment Regulations promulgated thereunder at 40 C.F.R. Part 403; the National Pollutant Discharge Elimination System Permit No. MA 0100439 issued to the Town by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection; and Massachusetts General Laws Chapter 21 and the Pretreatment Regulations promulgated thereunder at 314 C.M.R. **2.00, 7.00 and 12.00.

These Regulations shall apply to all persons within the Town of Webster who discharge to the Publicly Owned Treatment Works (POTW), and to all persons outside the Town who, by contract or agreement with the Town, are users of the Webster Wastewater Treatment Facilities. These regulations supersede in its entirety the TOWN OF WEBSTER SEWER USE REGULATIONS OF MARCH 16, 1994. The Webster Department of Public Works shall administer, implement and enforce the provisions of these Regulations.

### 1.2 Definitions

Unless the context specifically indicated otherwise, the following terms and phases, as used in these Regulations, shall have the meanings hereinafter designated:

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

(2) Authorized Representative. An authorized representative of a User may be: (1) a principal executive officer of at least the level of vice-president, if the User is a corporation; (2) a general partner or

proprietor if the User is a partnership or proprietorship, respectively; or (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the Indirect Discharge originates. Also see *Responsible Corporate Official (37)*

(3) Biochemical Oxygen Demand ("BOD"). The quantity of oxygen utilized in five (5) days at 20 degrees C, expressed in terms of milligrams per liter (mg/L), in the biochemical oxidation of organic matter in accordance with Standard Laboratory Procedures. See Section 1.2 (48), infra, "Standard Laboratory Procedures."

(4) Building Drain. 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 ten (10) feet (3 meters) outside the inner face of the building wall.

(5) Building Sewer. The extension from the building drain to the public sewer or other place of disposal.

(6) Building Sewer Connection Permit or Connection Permit. The document issued by the Town of Webster as set forth in Sections 2.1 and 2.2 of these Regulations.

(7) Categorical Pretreatment Standards. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. ~ 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

(8) C.F.R. The abbreviation for "Code of Federal Regulations".

(9) Chemical Oxygen demand (COD) means the quantity of oxygen utilized in the chemical oxidation of inorganic and organic matter under standard laboratory procedure expressed in milligrams per liter (mg/L).

(10) Department of Environmental Protection. The Director of the Division of Water Pollution Control in the Massachusetts Department of Environmental Protection, established pursuant to M.G.L. c. 21, *26.

(11) Department of Public Works. The Department of Public Works of the Town of Webster, Massachusetts, or its successor.

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

(13) Director. The Webster Town Administrator, The Director of the Town of Webster's Department of Public Works, who supervises the operation of the POTW, and who is charged with certain duties and responsibilities under these Regulations, or the Director's duly authorized representative. See Section 1.2 (34) infra, "Publicly Owned Treatment Works."

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

(15) Environmental Protection Agency ("EPA"). The Director of the Water Management Division of the U.S. Environmental Protection Agency, Region I.

(16) Holding tank waste. Any waste from holding tanks or chambers used in connection with vessels, chemical toilets, campers, trailers or other isolated facilities from which sanitary wastes emanate; including wastes from septic tanks and vacuum pump trucks.

(17) Indirect Discharge. The discharge or the introduction into the POTW of pollutants from any source, other than a Domestic Source, regulated under section 307(b), (c), or (d) of the Act. including holding tank waste discharge into the WASTEWATER TREATMENT WORKS.

(18) 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.

(19) INDUSTRIAL USER or User means a source of Indirect Discharge.

(20) Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) Inhibits or disrupts the POTW its treatment processes or operations, or its sludge processes, use or disposal and (2) Therefore is a cause of violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory

provisions and regulations or permits issued thereunder (or more stringent State of 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 of the SWDA), the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection, Research and Sanctuaries Act.

(21) "MAY" means permissive, shall is mandatory.

(22) New Source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that: a) the building, structure, facility or installation is constructed at a site at which no other source is located; or b) the building, structure, facility or installation totally replaced the process or production equipment that causes the discharge of pollutants at an existing source; or c) the production or wastewater generating process of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(23) National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued pursuant to section 402 of the Act, 3 U.S.C. * 1342, and M.G.L. c.21, *43.

(24) Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

(26) Pass Through. Means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other

sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(27) 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, 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 33 U.S.C. * 1251 et seq., or M.G.L. c. 21 **26-53. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(28) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution, as measured using Standard Laboratory Procedures. See Section 1.2 (47), infra, "Standard Laboratory Procedures."

(29) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar direct, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

(31) Pretreatment. Means 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 . The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by ~403.6(d). Appropriated pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the

effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with ~403.6(e).

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

(33) Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307 (b) and (c) of the Act which applies to Users, including prohibitive discharge limits established pursuant to 40 C.F.R. *403.5, and the National Categorical Pretreatment Standards established pursuant to 40 C.F.R. *403.6.

(34) Publicly Owned Treatment Works ("POTW"). A treatment works as defined by section 212 of the Act, which is owned by a State of municipality (as defined by section 502 (4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature, It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502 (4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges form such a treatment works.

(35) POTW Treatment Plants. That portion of the POTW designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste, which is owned by the Towns of Webster and Dudley.

(36) Public Sewer. A pipe or conduit that carries wastewater, in which all owners of abutting properties have equal rights, and is controlled by public authority.

(37) Responsible Corporate official. A company official whose signature is required on reports, applications, etc. to comply with this ordinance, this person shall be:

A. For a Corporation:

1. president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.

2. Manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $2.5 million if the authority

to sign documents has been assigned or delegated to the manager in accordance with corporate procedure;

B. For a partnership or sole proprietorship:

1. General partner or proprietor

2. A duly authorized representative of the above individual

A duly authorized representative of the individuals designated above requires:

A. A written authorization from the company officer

B. Authorization specifies either an individual or a position having responsibility for environmental matters; and

C. Copy of the written authorization is submitted to the director.

If an authorization is no longer accurate because a different individual or position has responsibility for the overall facility's operation or overall company responsibility for environmental matters, a new authorization satisfying the above requirements must be submitted to the director before any reports to be signed by an individual can be submitted.

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

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

(40) Sewage. The spent water of a community. The proper term is wastewater.

(41) Sewerage System. Any device, equipment or works used in the transportation, pumping, storage, treatment, recycling and reclamation of sewage and industrial wastes.

(42) Shall. Shall is mandatory; May is permissive.

(43) Significant Industrial User: (i) As defined in 40 CFR 403.3 (t) except as provided in paragraph 40 CFR 403.3 (t)(2) the term Significant Industrial User means:

(i) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(ii) Any other industrial users that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater): contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12 (a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (f)(6)).

(44) Significant Non Compliance: Any Industrial user is considered to be in Significant Non Compliance if its violation(s) meet one or more of the following criteria:

Chronic violations (66 percent or more of all measurements taken during a 6 month period exceed the daily maximum limit or the average limit for the same parameter).

Technical Review Criteria (TRC) violations (33 percent or more of all measurements taken for each pollutant parameter during a 6 month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC). {TRC = 1.4 for Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), and fats, oils and grease. TRC = 1.2 for all other pollutants except pH.

Any other violation of a pretreatment effluent limit which the Director determines has caused alone or in conjunction with other discharges pass through, interference, or endangerment of human health.

Any discharge which has caused imminent endangerment to human health and the environment of which has resulted in the Treatment Plant's exercise of its emergency power.

Failure to meet a compliance schedule milestone or to achieve final compliance within 90 days after the schedule date.

Failure to submit a report with 30 days of the due date.

Failure to accurately report a noncompliance.

Any other violation (s) which the Director determines will adversely affect the operation or implementation of the pretreatment program.

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

(46) Slug. A slug shall be any discharge of a non-routine, episodic nature including but not limited to an accidental spill or a non customary batch discharge.

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

(48) Standard Laboratory Procedures. Procedures established by the EPA pursuant to section 304 (g) of the Act and contained in 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the EPA.

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

(50) Suspended Solids. The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering as determined by Standard Laboratory Procedures. Section 1.2 (48), infra, "Standard Laboratory Procedures".

(51) Town. The Town of Webster, acting through its Department of Public Works ("DPW").

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

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

(54) "WASTES" MEANS ALL LIQUID, SOLID, GASEOUS OR RADIOACTIVE SUBSTANCES ASSOCIATED WITH HUMAN HABITATION OR OF HUMAN OR ANIMAL ORIGIN; OR FROM ANY PRODUCING, MANUFACTURING OR PROCESSING OPERATION OF ANY NATURE, INCLUDING SUBSTANCES PLACED WITHIN CONTAINERS OF ANY NATURE PRIOR TO, AND FOR THE PURPOSES OF DISPOSAL.

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

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

(57) Wastewater Discharge Permit or Permit. The document issued by the Town of Webster as set forth in Section 5 of these regulations.

(58) "Wastewater Treatment Works" means any arrangement of devices and structures for the STORAGE, TREATMENT, RECYCLING AND RECLAMATION OF MUNICIPAL SEWAGE, DOMESTIC SEWAGE OR LIQUID INDUSTRIAL WASTES, INCLUDING INTERCEPTING SEWERS, OUTFALL SEWERS, SEWAGE COLLECTION SYSTEMS, PUMPING, POWER AND OTHER EQUIPMENT AND THEIR APPURTENANCES, EXTENSION, IMPROVEMENT, REMODELING, ADDITIONS AND ALTERATIONS THEREOF TO TREAT WASTEWATER AND SLUDGE.

## SECTION 2 BUILDING SEWERS AND CONNECTIONS

2.1 Building Sewer Connection Permits (General)

"No unauthorized" 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 Connection Permit from the Director. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Director at least forty-five (45) days prior to the proposed change or connection.

2.2 Building Sewer Connection Permit Classifications

There shall be two (2) classes of Building Sewer Connection Permits: A) residential and commercial service, and for service to establishments producing industrial wastes. B) In either case, the owner or his agency shall make application on a special form furnished by the Town of Webster. The Connection Permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director.

2.3 Cost of Building Sewer

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

2.4 Separate Building Sewer Requirement

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

2.5 Use of Old Building Sewer

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

2.6 Construction of Building Sewer

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

2.7 Elevation of Building Sewer

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.

2.8 Prohibition of Connections

Prohibition of Connections of Surface Runoff or Groundwater to a Building Drain or Building Sewer Which is Connected to a Public Sanitary Sewer. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. No person shall make connection of roof runoff, subsurface drainage or uncontaminated cooling water or industrial process waters. Any existing roof drainage connections to sanitary sewers shall be connected into an available storm sewer and shall be disconnected above ground in the manner approved by the Director. The owner of any building situated within the Town is required at his expense to disconnect all existing roof drain connections to sanitary sewers in accordance with the provisions of this chapter within ninety days after the date of official notice to do so.

2.8.5 REGULATION OF DISCHARGE OF UNPOLLUTED WATER.

Unpolluted water, including but not limited to, cooling water, process or blow-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a storm sewer unless a permit is issued by the Director. The Director may approve the discharge of such water only when no reasonable alternative method of disposal is available. If a permit is granted for the

discharge of such water into a public sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Director.

2.9 Requirements for Connection of Building Sewer to Public Sewer

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Webster, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

2.9.4 Inspection and Testing of Connection of Building Sewer to Public Sewer

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

Each connection to the public sewer shall have installed at the property line a full diameter inspection tee and vertical riser. The tee and riser shall be installed as shown in the standard detail which is available at the office of the Director, or as approved by the Director.

Before the connection to the public sewer can be made, the building sewer must pass a water test. (An air test may be substituted for the water test if approved by the Director.). The water test shall be performed by the applicant in the presence of the Director. The building sewer shall be water tested with all joints, including the connection to the building sewer, subjected to a minimum differential head of ten (10) feet of water. The water shall be kept in the building sewer at this head during the inspection, and for at least a fifteen (15) minute waiting period before the inspection begins. The actual inspection shall take place of an additional fifteen (15) minute interval. The building sewer shall pass the water test if there is no leakage out of the building sewer during the fifteen (15) minute inspection period. If the building sewer passes the water test, then the Director shall give conditional approval of the building sewer connection permit, and the building sewer shall be connected to the public sewer by the applicant. All water, test plugs, filling and draining required for the water test shall be provided by the applicant.

If the building sewer fails the water test, the applicant shall make corrections to the building sewer and/or building drain within fifteen (15) calendar days. Corrective measures may include reinstallation of the building sewer and/or building drain if such actions are deemed necessary to pass the water test. Within this fifteen (15) day time frame the applicant shall request a reinspection of the building sewer and shall perform the water test again in the presence of the Director. If the building sewer fails the water test a second time, the building sewer and drain must be excavated and reinstalled prior to being subjected to another water test. All expenses associated with the second and any succeeding water tests shall also be paid for by the applicant. The building sewer shall not be connected to the public sewer until the building sewer passes the water test.

After passing the water test, the building sewer shall be subjected to a visual inspection by a Director during the next high groundwater season. For the visual inspection, the Director shall visually inspect the building sewer to insure that the building sewer is not allowing groundwater into the public sewer. The Director will give final unconditional approval of the building sewer connection permit if he observes no groundwater entering the building sewer during the visual inspection. If the Director observes running water in the building sewer, then the Director shall use internal inspection of the building sewer by closed circuit television to locate the source of the inflow. The applicant is responsible for all costs associated with the closed circuit television inspection. The applicant must excavate and repair the building sewer and/or building drain at his own expense within fifteen (15) calendar days of the television inspection to correct the source of inflow. Within fifteen (15) calendar days of the excavation and repair, the applicant shall be subjected to another water test and subsequent visual inspection. If the applicant fails the water test required by visual inspection, the applicant shall pay a fine of ten (10) dollars per day to the Town. For every thirty (30) day period following the failure of this water test, the fine shall be increased by ten (10) dollars per day; i.e. twenty (20 dollars per day for the second thirty (30) day interval, thirty (30) dollars per day for the third thirty (30) day interval, etc. If the building sewer does not pass the water test within six (6) months after the date of the water test required by the visual inspection, the building sewer shall be disconnected from the public sewer.

2.9.6 Excavations for Building Sewer

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 of Webster.

## SECTION 3 ANNUAL CHARGES FOR USE OF POTW

Annual charges for use of the POTW shall be reviewed annually by the Director and revised as needed to cover all operation, maintenance and replacement costs associated with the operation of the POTW. The method used to determine these charges shall be financially sound and approved by the Board of Selectmen.

## SECTION 4 REGULATION OF WASTEWATER DISCHARGES

### 4.1 General Discharge Prohibitions

No person shall discharge or cause or allow to be discharged, directly or indirectly, any pollutant or wastewater which will, or is likely to, either singly or by interaction with other substances:

A. Pass through, injure, or interfere with the operation or performance of the POTW;

B. Be otherwise incompatible with the treatment process;

C. Cause the POTW treatment plant to violate its NPDES Permit, applicable receiving water quality standards or applicable sludge management criteria, guidelines or regulations.

D. Adversely affect receiving waters.

E. Endanger life, limb or public property; or

F. Constitute a nuisance.

### 4.2 Specific Discharge Prohibitions

Supplementing the provisions of Section 4.1 SUPRA, and not by way of limitation, the following discharges to the POTW are specifically prohibited:

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

B. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion, or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%), nor shall any single reading be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Also, any waste stream with a closed cup flashpoint of less than 140 degrees F or 60 degrees C using the test methods

specified in 40 CFR 261.21 is specifically prohibited. Prohibited materials include, but are not limited to, gasoline kerosene, naphtha, benzene, fuel oil, crude oil, lubricating oils, any other oils or greases of hydrocarbon or petroleum origin, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the Town, the DEQE or the EPA has identified as a fire hazard or a hazard to the system.

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

D. Any wastewater having a pH less than 6.5 or greater than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

E. Any wastewater containing toxic or objectionable pollutants or toxic gases or other airborne pollutants which affect worker health and safety, as per 40 CFR 403.5 (b)(7), in sufficient quantity or concentration, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW treatment plant, or to exceed the limitations set forth in a Pretreatment Standard, the Local Discharge Limitations prescribed herein at Section 4.2N or a Wastewater Discharge Permit issued pursuant to these Regulations. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act listed at 40 C.F.R. Part 403, Appendix B.

F. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

G. Any substance which may cause the POTW treatment plant's effluent or any other product of the POTW treatment plant such as residues, sludge or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW treatment plant to be in noncompliance with sludge use or disposal criteria, guideline or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act or state criteria applicable to the sludge management method being used.

H. Any pollutants, including oxygen demanding pollutants (BOD, etc), released at a flow rate and/or pollutant concentration which will cause Interference to the POTW treatment plant.

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

J. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 40 C. (104 F).

K. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/L, or containing substance which may solidify or become viscous at temperatures between 32 and 150 F (0 and 65C.).

L. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.

M. Sludge or deposited solids resulting from an industrial or pretreatment process.

4.2.1 Local Discharge Limitations

No person shall discharge any substances INCLUDING TRUCKED OR HAULED POLLUTANTS SUCH AS INDUSTRIAL AND SEPTIC WASTES directly into a manhole or other opening in a public sewer OR THE POTW, unless that person has been issued a permit WHICH SPECIFIES LOCATIONS AND TIMES OF DISCHARGE DESIGNATED BY THE DIRECTOR. If a permit is issued for direct discharge, the person shall pay the applicable charges and fees and shall meet such other conditions as required by the Director.

*ANY REMOVAL OF MANHOLE COVERS OR OTHER ACCESS TO THE POTW FOR THE PURPOSE OF DISCHARGING WASTES AT TIMES AND/LOCATIONS OTHER THAN THOSE DESIGNATED BY THE DIRECTOR, OR WITHOUT THE DIRECTOR'S EXPRESSED PERMISSION, SHALL BE A VIOLATION OF THIS CHAPTER, AND SHALL SUBJECT THE USER TO ENFORCEMENT ACTIONS INCLUDING FINES AND PENALTIES CONTAINED HEREIN.*

No person shall discharge wastewater containing any pollutant specified in Schedule A, annexed hereto and incorporated herein by reference, in excess of the limitations for each said pollutants as specified in said Schedule A. Compliance with the provisions of this Section 4.2N shall be assessed on the basis of samples of the person's wastewater discharge collected at each point of connection between the person's building, structure, facility or installation and the sewerage system. If a Pretreatment Standard establishes limitations for Users in a particular industrial subcategory which are more stringent than the limitations specified in Schedule A, those more stringent limitations shall immediately apply to those Users subject to that Pretreatment Standard. Compliance with Pretreatment Standard limitations shall be assessed in accordance with the requirements set forth at 40 C.F. R. *403.12 (b) (5).

4.3 National Categorical Pretreatment Standards

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the Pretreatment Standard, if more stringent than limitations imposed under these Regulations, shall immediately supersede, for Users in that subcategory, the limitations imposed under these Regulations. The Director shall notify all affected Users of the applicable requirements under the Act; 314 C.M.R. **2.00, 7.00 and 12.00; and subtitles C and D of the Resource Conservation and Recovery Act.

*ANY REMOVAL OF MANHOLE COVERS OR OTHER ACCESS TO THE POTW FOR THE PURPOSE OF DISCHARGING WASTES AT TIMES AND/LOCATIONS OTHER THAN THOSE DESIGNATED BY THE DIRECTOR, OR WITHOUT THE DIRECTOR'S EXPRESSED PERMISSION, SHALL BE A VIOLATION OF THIS CHAPTER, AND SHALL BE SUBJECT THE USER TO ENFORCEMENT ACTIONS INCLUDING FINES AND PENALTIES CONTAINED HEREIN.*

No person shall discharge wastewater containing any pollutant specified in Schedule A, annexed hereto and incorporated herein by reference, in excess of the limitations for each said pollutants as specified in said Schedule A. Compliance with the provisions of this Section 4.2N shall be assessed on the basis of samples of the person's wastewater discharge collected at each point of connection between the person's building, structure, facility or installation and the sewerage system. If a Pretreatment Standard establishes limitations for Users in a particular industrial subcategory which are more stringent than the limitations specified in Schedule A, those more stringent limitations shall immediately apply to those Users subject to that Pretreatment Standard. Compliance with Pretreatment Standard limitations shall be assessed in accordance with the requirements set forth at 40 C.F. R. *403.12 (b) (5).

4.4 State Requirements

Requirements and limitations on discharges set by the DEP shall apply in any case where they are more stringent than federal requirements and limitations or those contained in these Regulations.

4.5 Town's Right of Revision

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

4.6 Dilution Prohibited in Absence of Treatment

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

4.7 New or Changed Discharges

As indicated in 40 CFR 403.8 (f) (1) (i), the POTW reserves the right to deny or condition new or increased discharges or changes in the nature of the discharges where they do not meet applicable pretreatment standards and requirements or where they would cause the POTW to violated its NPDES permit.

4.8 Pretreatment

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

All records relating to compliance with applicable Pretreatment Standards and Requirements shall be made available to officials of the EPA or DEQE upon request. In addition, pursuant to the public participation requirements of 40 C.F.R. 403.8 (f) (2) (v), the Town shall annually publish in a Webster newspaper a list of the Users which, during the preceding twelve (12) months, were significantly violating applicable Pretreatment Standards or Requirements. For purpose of this provision, a significant violation is a violation which remains uncorrected forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; which involves a failure to accurately report noncompliance; or which resulted in the Director exercising his emergency authority under Section 8 of these Regulations.

4.9 Accidental Discharge

A Plans and Procedure: Each User shall provide protection from accidental discharge of prohibited materials or other substances or slugs as regulated by these Regulations, in conformance with 40 CFR 403.8 (f) (2) (v). Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility. All existing Users shall submit such a plan within sixty (60) days of the effective date of these Regulations. No User who commences discharging into the POTW after the effective date of these Regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of these Regulations. ***In the case of an accidental discharge, it is the responsibility of the User to telephone immediately and notify the POTW of the incident.*** The notification shall include location of discharge, type of waste, concentration and volume, and any and all corrective actions.

B. Written Notice: Within five (5) days following an accidental discharge, the User shall submit to the Director a detailed written report describing the cause of the discharge and the measures which

have been and shall be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW fish kills or any other damage to persons, animals or property; nor shall such notification relieve the User of any fines, civil penalties or other liability which may be imposed by these Regulations or other applicable law. ALL DISCLOSURE FORMS SHALL BE SIGNED BY A PRINCIPAL EXECUTIVE OF THE USER, DEFINED AS A RESPONSIBLE CORPORATE OFFICIAL AS DEFINED HEREIN.

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

D. CONTROL MANHOLES. SIGNIFICANT INDUSTRIAL USERS shall install (a) suitable control manhole (s), together with necessary samplers, meters, recorders and other appurtenances to adequately sample and measure the wastewater discharged. Other industrial users shall install suitable control manholes when required by the Director. There shall be ample room in or near such sampling manhole or facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the user's expense.

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

## SECTION 5 PERMITS

5.1 Wastewater Discharge Permits

All users proposing to connect to or discharge into the POTW shall obtain a Wastewater Discharge Permit before connecting to or discharging into the POTW. An application for said Wastewater Discharge Permit shall be filed with the Director at least ninety (90) days prior to the proposed connection or discharge to the POTW.

All existing Users connected to or discharging into the POTW shall apply for a Wastewater Discharge Permit within sixty (60) days after the effective date of these Regulations.

5.2 Permit Application Requirements

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

A. Name, address and location of the User (if different from the address);

B. SIC number according to the Standard Industrial Classification Manual Bureau of the Budget, 1972 as amended;

C. Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 4 of these Regulations, as determined by a reliable and certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 C.F.R. Part 136, as amended, and results of said sampling and analysis, identifying the nature and concentration of regulated

pollutants contained in each regulated discharge stream, shall be attached as Exhibits to the application; provided however, that the Director may, at his discretion, waive the requirement for laboratory analysis with respect to those Users which discharge only sanitary sewage to the POTW in the amount equal to or exceeding two thousand (2,000) gallons per day;

D. Time and duration of discharges;

E. Average daily and maximum daily wastewater flow rates, identified separately by regulated discharge streams, and including daily, monthly and seasonal variation, if any;

F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation;

G. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;

H. Where known, the nature and both daily maximum and average concentrations of any pollutants in the discharge standard or by any applicable Pretreatment Standard, and a statement regarding whether or not any applicable Pretreatment Requirement or Standard is being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet the applicable Pretreatment Standard or Requirement;

I. If additional pretreatment and/or O&M will be required to meet the above described Standards or requirements, the shortest schedule by which the User will provide such additional pretreatment or O&M, which shall not be later than the compliance date established for the applicable Pretreatment Standard or Requirement;

J. In addition, the following statement must be signed and accompany said application:

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

submitted is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing the violations.

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standard or Requirement (e.g., hiring an engineer, completing preliminary plan, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increments referred to in paragraph 1 shall exceed nine (9) months.

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than (9) months elapse between such progress reports to the Director.

J. Each project produced by the User, if any, by type amount, process or processes and rate of production;

K. Type and amount of raw materials processed by the User (average and maximum per day);

L. Number and type of User's employees, User's hours of operation and proposed or actual hours of operation of pretreatment system:

M. Any other information as may be deemed by the Director be necessary to evaluate the permit application.

The Director will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

5.3 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of these Regulations and all other applicable regulations, User charges and fees established by the Town. Permits may contain the following:

A. The unit charge or schedule of User charges and fees for the wastewater to be discharged to the POTW;

B. Limits on the average and maximum wastewater constituents and characteristics, including those determined in accordance with the limits specified in Schedule A;

C. Limits on average and maximum rate and time discharge, or requirements for flow regulation and equalization;

D. Requirements for installation and maintenance of inspection and sampling facilities;

E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and reporting schedule;

F. Compliance schedules (but in no event may a compliance deadline in a Permit be later than a Pretreatment Standard compliance deadline);

G. Requirements for submission of technical reports or discharge reports;

H. Requirements for maintenance and retention of records relating to wastewater discharges as specified by the Director, and affording the Director access thereto;

I. Requirements for notification to the Director of any change in operations, new introduction of wastewater constituents, or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater disposal system, including hazardous wastes.

J. Requirements for notification to the Director of slug discharges;

K. Other conditions as deemed appropriate by the Director to ensure compliance with these Regulations.

5.4 Permit Modifications

A. Necessitated by Promulgation of National Categorical Pretreatment Standard: Within three (3) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of Users who are subject to such Standard shall be revised to require compliance with such

Standard. A User with an existing Wastewater Discharge Permit shall submit to the Director within one hundred eighty (180) days after the effective date of an applicable National Categorical Pretreatment Standard the baseline report required by Section 6.1N of these Regulations and 40 C.F.R. **403.12.

B. Necessitated by Change In Wastewater Discharge: Any User who proposes to introduce a change in the nature, characteristics and or constituents of its wastewater, or who proposes to increase the daily volume, strength or rate of its permitted discharge by ten percent (10%) or more shall, in no less than thirty (30) days prior to said proposed change or increase, apply, on a form prescribed by the Director, for a modification to its Wastewater Discharge Permit. After evaluation and acceptance of the data furnished, the Director may modify the User's Wastewater Discharge Permit, subject to the terms and conditions provided herein.

C. Necessitated by Change in Applicable Limitation or Requirements: The terms and conditions of a Wastewater Discharge Permit issued hereunder may be subject to modification by the Director during the duration of the permit as the limitations or requirements identified in Section 4 of these Regulations are modified, or as other just cause warrants, as determined by the Director. The User shall be notified of any proposed modifications to its Wastewater Discharge Permit at least thirty (30) days prior to the proposed effective date of such modification. Any modification to or new conditions in the Wastewater Discharge Permit shall include a reasonable time schedule for compliance therewith, but no compliance deadline therein shall be later than the deadline for compliance with an applicable Pretreatment Standard.

5.5 Duration of Permits

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Permit may be issued for a period less than a year or may be stated to expire on specific date. A User shall apply for Permit reissuance, on a form prescribed by the Director, at least ninety (90) days prior to the expiration of the User's existing Permit.

5.6 Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new owner, new User,

different premises or a new or changed operation without the approval of the Director, which must be obtained at least thirty (30) days in advance of the proposed transfer date. No such approval shall be granted without submission to the Director of a written agreement between the existing and proposed new permittee which sets forth the date for the terms of the transfer of the Wastewater Discharge Permit and all responsibilities, obligations and liabilities thereunder. Any succeeding owner or User shall comply with the terms and conditions of the existing Wastewater Discharge Permit and all of the terms and requirements of these Regulations.

SECTION 6 REPORTING REQUIREMENTS

MONITORING AND INSPECTIONS

6.1 Reporting Requirements

**UNDER THIS SECTION 6, SUBSECTIONS A, B, C, D, E, F, G MUST INCLUDE THE CERTIFICATION LANGUAGE AS OUTLINED UNDER SUBSECTION A**

A. Baseline Report: Within one hundred eighty (180) days following the effective date of a National Categorical Pretreatment Standard, a User, new source and sources that become industrial users subsequent to the promulgations of an applicable categorical standard as per 40 CFR 403.12 (b), subject to said Standard shall submit to the Director a report as prescribed under 40 C.F.R. **403.12 (b), which shall include the information required under Section 5.2 of these Regulations. This report shall be signed by a responsible corporate official as authorized by the User, and certified by a qualified professional engineer, in addition, the reports shall include the following certification signed by an authorized agent of the user.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or person who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

B. Compliance Deadline Report: Within ninety (90) days following the date for final compliance with any applicable Pretreatment Standards or Requirements or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards or Requirements shall submit to the Director a certified report which includes the certification language as above. The report shall be as prescribed under 40 C.F.R. *403.12 (d) indicating

the nature and concentration of all pollutants in the discharge which are limited by Pretreatment Standards or Requirements, and the average an maximum daily flow of the wastewater containing such pollutants. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This report shall be signed by a Responsible Corporate Official of the User, and be certified by a qualified professional engineer. The Director may require such follow-up reports as he deems necessary to monitor the actions taken by the User to come into compliance with the applicable Pretreatment Standards or Requirements.

C. Periodic Compliance Reports: Any User subject to a Categorical Pretreatment Standard or Requirement, after the compliance date for such Categorical Pretreatment Standard or Requirement, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Director during the months of June and December, unless required more frequently in the applicable Categorical Pretreatment Standard or Requirement, or by the Director, a report as prescribed under 40 C.F.R. * 403.12 (e) containing the results of sampling and analysis of the discharge, indicating the average an maximum daily flows, and nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standard or Requirement. At the discretion of the Director, and in consideration of such factors a local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

C. 1 Any significant non categorical user, after commencement of the discharge into the POTW, shall submit to the Director during the months of June and December, unless required more frequently by the Director, a report as prescribed under 40 C.F.R. * 403.12 (h) containing the results of sampling and analysis of the discharge, indicating the average an maximum daily flows, and nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standard or Requirement. At the discretion of the Director, and in consideration of such factors a local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

D. Notice of violation/Resampling Requirement According to 40 CFR 403.12 (g), if sampling by the Industrial User indicated a violation, the user must notify the POTW within 24 hours of becoming aware of the violation. The user must also resample and submit results of this resampling to POTW within 30 days.

E. Non Categorical Users

The Control Authority shall require appropriate reporting from those Industrial Users with discharges that are not subject to categorical Pretreatment Standards. Significant Noncatergorical Industrial Users shall submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons approved by the Administrator. This sampling and analysis may be performed by the Control Authority in lieu of the significant non categorical industrial user. Where the POTW itself collects all the information required for the report, the non categorical significant industrial user will not be required to submit the report.

F. Notice of Changed Discharge

As noted in 40 CFR 403.12 (j), all IU's must notify the POTW prior to any substantial changes in the volume or character of pollutants in their discharges, including hazardous wastes.

G. Notification of Discharge of Hazardous Waste

As set forth at 40 CRF 403.12 (p) Industrial Users shall **notify** the POTW, the EPA and the State of any discharge into the POTW which, if otherwise disposed of would be a **hazardous waste under 40 CFR Part 261.**

6.2 Monitoring and Analysis

The reports required in Sections 6, supra, and such other reports as the Director may require under these regulations, shall contain the results of sampling and analysis of the User's discharge, including the flow and the nature and concentration of pollutants contained therein which are limited by applicable Pretreatment Standards and Requirements. All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304 (g) of the Act and contained in 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Director or other parties, approved by the EPA.

A User subject to the reporting requirements set forth in Section 6.1, supra, shall maintain records of all information resulting from any monitoring activities required thereunder. Such records shall include, for all samples:

A. The date, exact place, method and time of sampling, and the names of the person or persons taking the samples;

B. The dates analyses were performed;

C. Who performed the analyses;

D. The analytical techniques/methods used; and

E. The results of such analyses.

The User shall keep copies of all such records and reports of monitoring activities and results for a minimum of three (3) years, and shall make such records available for inspection and copying by EPA, DEP and the Director. This period of retention shall be extended during the course of any unresolved

litigation regarding the discharge of pollutants by the User or the operation of the POTW pretreatment program, or when requested by DEP or EPA.

6.3 Monitoring Facilities

The Director shall require the User to provide and operate, at the User's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Director may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

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

6.4 Inspection and Sampling

The Director shall inspect the facilities of any User to ascertain whether the purpose and requirements of these Regulations are being met. Occupants of premises where wastewater is created or discharged shall allow the Director ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any of their duties. The Director, DEQE and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its' security guards so that upon presentation of suitable identification, the Director, DEQE and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

6.5 Confidential Information

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

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

Information accepted by the Director as confidential shall not be made available for inspection by the public, except as provided by 40 C.F. R. * 2.302. Information accepted by the Director as confidential shall for uses related to the NPDES program or the Pretreatment program be transmitted to any governmental agency immediately upon request by the agency.

## SECTION 7 FEES

7.1 Charges and Fees

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

A. Fees for reimbursement of the costs of setting up and operating the Town's pretreatment programs;

B. Fees for monitoring, sampling, inspections and surveillance procedure;

C. Fees for reviewing accidental discharge procedures and construction.

D. Fees for Permit applications and modification;

E. Fees for consistent removal (by the Town) of pollutants otherwise subject to National Categorical Pretreatment Standards;

F. Other fees as the Town may deem necessary to carry out the pretreatment requirements contained herein.

7.2 Assessment of Charges and Fees

The applicable charges or fees for the items enumerated in Section 7.1 supra, shall be set from time to time by the Town, and shall be assessed via the Town's general water and sewer use rate or on a fee for specific service basis, in accordance with a schedule duly adopted by the Town.

7.3 Delinquent accounts

Each charge levied pursuant to this chapter shall constitute a lien upon the premises and pursuant to Massachusetts General Law and Webster home rule charter if any such charge or rental is not paid when due it may be collected in the same manner as other municipal corporation taxes. The Town shall also have the right, in the event of no payment as aforesaid, to discontinue both water and sewer service to such premises and to impose such other late charges and fees as provided by law until such unpaid sewer charges or rentals, and all other late charges and fees imposed in addition thereto have been paid in full.

7.4 Necessity for Charges

Whereas, it is necessary for the Town of Webster to recover from all users of the wastewater treatment works the costs of operation and maintenance, including equipment replacement and debt service, the Town shall levy fees, assessments and charges upon each lot, parcel of land, building or premises within or outside the corporation limits served by or by having connection with the sewer system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly into the WORKS such that each user of person pays his proportionate share of such costs in a manner as provided in this chapter and as hereafter described in this action.

7.5 Permit, Application and Connection Fees and Charges.

(1) All users required to make connection with the Town sanitary sewer system shall apply for a building sewer or wastewater discharge permit as required in Section 2. The fee for sewer permits may be changed whenever necessary as determined by the Director.

(2) All sewer connections shall be in conformance with standards set forth in this document. All costs and expenses incidental to the inspection, installation and connection of the building sewer shall be borne by the owner as provided herein. Any required connection charges or tap-in fees shall be paid in full before a sewer application is approved or a sewer permit is issued. The amount of such sewer connection charges shall be determined by the Director. The amount of such connection charges or tap-in fees shall not be less than the amount assessed for similar properties and shall be in addition to any permit fees or other fees required.

(3) Industrial wastewater discharge permit applications shall be in conformance with the requirements of Section 5 and the permit fees as provided herein. The Director may assess applications for additional costs related to plan review, wastewater analyses, and related matters, as applicable.

7.6 Sewer Use Charges.

Total system operating costs shall include operation, maintenance, equipment replacement and debt service for the total wastewater treatment and collection system.

7.7 Fee for services rendered

No fee service or discounts of any kind shall be rendered by the system to the Town or any department thereof, to any corporation, public or private, to any school, public or private, to any institutions, charitable or otherwise, or to any other users. If any of the persons in this Subsection 7.3 so enumerated avail themselves of the service of the system for general purposes or for any other purpose, the rates herein established which are declared to be as to such person, reasonable rates, shall be charged against such person and shall be paid at the time and in the manner herein otherwise provided for the payment of such rates.

7.8 Special Assessments

The Director shall assess users for any additional fees, costs and expenses as may be necessary due to enforcement actions and legal fees, costs and damages from slug discharges and accidental spills, any special, non-routine Pretreatment Compliance Monitoring surveillance, analysis and review and/or any other just cause allocable to an individual user.

7.9 Sewer Revenue Fund

The funds received from the collection of the rates and charges hereinafter provided shall be deposited as received with the Director of Finance, who shall keep the same in a separate fund designated Sewer Revenue Fund. Subject to the provisions of any ordinance or indenture of mortgage authorizing the issuance of and securing mortgage revenue bonds for such system, and notwithstanding the limitations imposed by Massachusetts General Laws and Webster Home Rule Charter, moneys in such Fund shall be used for the payment of the cost and expenses of operation, maintenance, repair and management of the system and for payment of debt charges on bonds issued for extensions and improvements of the system and any surplus in Fund over and above the requirements herein before mentioned may be used for enlargement of and replacements to the system and parts thereof, or for any other lawful purpose or purposes.

7.10 Services outside Sewer District

For sewer services furnished to consumers outside the Town limits, there shall be a charge therefor, equal to the charge made to residents of the Town, plus twenty-five percent (25%). A ten percent (10%) penalty shall be added if sewer bills are not paid within fifteen days after the date due.

7.11 Delinquent Accounts.

Each charge or rental levied pursuant to this chapter shall constitute a lien upon the premises and pursuant to Massachusetts General Laws and Webster Home Rule Charter, if any such charge or rental is not paid when due it may be collected in the same manner as other municipal corporation taxes. The Town shall also have the right, in the event of no payment as aforesaid, to discontinue both water and sewer service to such premises and to impose such other late charges and fees as provided by law until such unpaid sewer charges or rentals, and all other late charges and fees imposed in addition thereto, have been paid in full.

## SECTION 8 ENFORCEMENT

The provisions of this section apply to any and all violations of any and all provisions and sections and amendments of any of the following documents which together with these regulation of Sewer Use, form the basis of wastewater management for the Town of Webster.

TOWN OF WEBSTER SEWER USE REGULATIONS

TOWN OF WEBSTER INDUSTRIAL PRETREATMENT PROGRAM

TOWN OF WEBSTER INDUSTRIAL DISCHARGE PERMITS

TOWN OF WEBSTER NON INDUSTRIAL PERMITS

WEBSTER/DUDLEY INTERMUNICIPAL AGREEMENT

TOWN OF WEBSTER REGULATION OF SLUDGE

TOWN OF WEBSTER BETTERMENT POLICY AND PROCEDURES

TOWN OF WEBSTER DETERMINATION OF SEWER USE CHARGES

### 8.1 Imminent Endangerment

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

section as may be necessary to ensure elimination of said discharge and compliance with the terms of these Regulations and any Wastewater Discharge Permits issued hereunder.

8.2 Harmful Discharges

The Director may, in accordance with the procedures set forth in Section 8.1, infra, halt or prevent any discharge of pollutants which:

A. Presents or may present an endangerment to the environment;

B. Threatens to interfere with the operation of the POTW;

C. Threatens to cause the POTW to violate any condition of its NPDES permit; or

D. Is otherwise in violation of these Regulations, applicable state or federal regulations, or the terms, conditions and requirements of any Wastewater Discharge Permit issued hereunder.

8.3 Revocation of Permit

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

A. Failure of a User to report factually the wastewater constituents and characteristics of its discharge;

B. Failure of a User to report significant changes in its operations, or the constituents and characteristics of its wastewater;

C. Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,

D. Violation of conditions of the User's Permit.

8.4 Notice of Violation

Whenever the Director determines that any person has caused a discharge of pollutants described in Section 8.2 supra, in violation of these Regulations, applicable state and federal regulations, or any Wastewater Discharge Permit issued hereunder, the Director shall serve upon such person, either

personally or by mail, a written notice stating the nature of the violation. In addition, said Notice of Violation shall contain one or both of the following:

A. Compliance Order: The Director may issue a Compliance Order directing the person to take specified actions to comply with these Regulations or the provisions of any applicable Wastewater Discharge Permit within a time schedule set forth by the Director. Said Compliance Order may provide for the assessment of penalties as provided in Section 9, infra, and may provide that the person's wastewater disposal service and/or Wastewater Discharge Permit shall be suspended pending submission of proof satisfactory to the Director that specified violations of these Regulations or the Wastewater Discharge Permit have been abated or corrected.

B. Order to Show Cause: The Director may order any person who has caused a discharge of pollutants described in Section 8.1 supra, to show cause before the Department of Public Works why the proposed enforcement action should not be taken. Any such Show Cause Hearing shall be noticed and conducted in accordance with the provisions of Section 8.5, infra.

8.5 Show Cause Hearing

8.5.1 Notice Requirements

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

8.5.2 Conduct of the Hearing

The Department of Public Works may itself conduct the hearing and take the evidence, or may designate any of its members to:

A. Issue in the name of the Department of Public Works notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

B. Take the evidence;

C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Department of Public Works for action thereon; and

D. Take any further necessary action as permitted by these Regulations or the Town By-Laws and Ordinances.

8.5.3 Testimony Recorded Under Oath

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

8.5.4 Orders

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

8.6 Legal Action

If any person discharges sewage, industrial wastes or other wastes into the POTW, or any person who violates any portion of the Pretreatment regulation, standards, or requirements, contrary to the provisions of these Regulations, any applicable federal, state or local pretreatment requirements, the conditions and requirements of any Wastewater Discharge Permit issued hereunder or any order of the Director, Town Counsel may commence an action for appropriate legal and/or equitable relief in either state or federal court.

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

8.7 RIGHT OF APPEAL.

Any user or interested party shall have the right to request in writing an interpretation or ruling by the DIRECTOR on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a user's request shall stay all enforcement proceeding pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with the laws of the Town and the Commonwealth of Massachusetts.

## SECTION 9 PENALTIES AND COSTS

Any person who is found to have violated an Order of the Department of Public Works, or who fails to comply with any provisions of these Regulations or the orders, rules, regulations or Permits issued thereunder, shall be assessed a civil penalty of up to Five Thousand Dollars for each day of violation. Each day on which a violation shall occur or continue to occur shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate legal action against the person found to have violated these Regulations or the orders, rules, regulations or Permits issued thereunder.

## SECTION 10 SEVERABILITY

If any provision, paragraph, word, section or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall continue in full force and effect.

## SECTION 11 CONFLICT

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

## SECTION 12 EFFECTIVE DATE

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

APPROVED this 9th day of January ~~19~~ 2006.

_____, Chairman

Board of Selectmen

Town of Webster

ATTEST: Robert T. Gam (Seal) Town Clerk

Published the 8 day of FEBRUARY ~~19~~ 2006

Filed the 1st day of February, ~~19~~ 2006

SCHEDULE A

LOCAL DISCHARGE LIMITATIONS

| Pollutant or Pollutant parameter * | Maximum Daily Concentration mg/L |
|---|---|
| Arsenic | 0.23 |
| Cadmium | 0.005 |
| Chromium | 1.8 |
| Copper | 0.4 |
| Lead | 0.04 |
| Mercury | 0.0005 |
| Nickel | 0.4 |
| Zinc | 0.5 |
| Cyanide | 0.06 |
| Acetone | 1.0 |
| Total Toxic Organics (TTO) | 0.2 |
| Oil and Grease | 100 |
| pH | 6.5 9.0 pH units |
| Temperature | < 104degrees F |
| Closed up flash point | > 140degrees F |

*Metal concentrations represent total metal limits; i.e., the sum of dissolved and suspended forms.

TTO is defined as the sum of all toxic organics. Toxic organics shall mean all the organics listed in 40 CFR 122, Appendix D. Table II as amended, which is included by reference to these Regulations.