

**RULES AND REGULATIONS OF THE WAYLAND WASTEWATER  
MANAGEMENT DISTRICT COMMISSION**

THESE RULES establish the regulations for the use of public sewers and drains, the installation and connection of building sewers, and the discharge of water and wastes into the public sewer system(s) and providing penalties for violations thereof:

WHEREAS, the Federal government has enacted and amended the Federal Water Pollution Control Act now known as the Federal Clean Water Act (33 U. S. C. 1150 et seq.) and the Town of Wayland desires to remain in compliance therewith, and

WHEREAS, the Town of Wayland, through the Wastewater Management District Commission desires to assure that the use of the public wastewater system operated by it will conform to standard sanitary engineering practices, and

WHEREAS, Chapter 461 of the Acts of 1996 of the Massachusetts Legislature authorizes the Commission to establish such Rules and Regulations, and

WHEREAS, the Town of Wayland desires to regulate the use of the public wastewater system operated by it:

NOW, THEREFORE, BE IT enacted by the Commissioners of the Wastewater Management District Commission of the Town of Wayland, Commonwealth of Massachusetts, as follows:

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## ARTICLE 1. DEFINITIONS

### SECTION 1. SPECIFIC DEFINITIONS

Unless the context of usage indicates otherwise, the meaning of specific terms in these Rules and Regulations shall be as follows:

Act shall mean the Federal Clean Water Act, as amended.

ASTM shall mean the American Society for Testing and Materials.

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

Building Sewer shall mean the extension from a building wastewater plumbing facility to the public wastewater management system and includes any pump, grinder pump, or accessory equipment required to connect to the wastewater management system.

Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

Class I User shall mean all premises connected to the wastewater management system not classified as a Class II or Class III (Industrial) User.

Class II User shall include any property connected to the Wastewater Management System that has a wastewater strength that exceeds 250 milligrams per liter of BOD-5 and or 300 milligrams per liter of suspended solids based upon effluent monitoring, and is not classified as a Class III User.

Class III - Industrial User shall mean any nonresidential user identified in Division A, B, D, E, or I of the Standard Industrial Classification Manual. Class III shall also include any user that discharges wastewater containing toxic or poisonous substances, or any substance(s) which cause(s) interference in the wastewater management system.

Commission shall mean the Wayland Wastewater Management District Commission.

Day shall mean the 24-hour period beginning at 12:01 a.m.

Easement shall mean an acquired legal right for the specific use of land owned by others.

EPA shall mean the United States Environmental Protection Agency.

Garbage shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

Groundwater shall mean water within the earth.

Interference shall mean inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal, or their operation, which substantially contributes to a violation of applicable discharge permits.

Director shall mean the Executive Director of the Wastewater Management District Commission or an authorized designee.

"May" is permissible, "shall" is mandatory.

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

NPDES shall mean National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the Commonwealth of Massachusetts.

Owner shall mean the person or persons who legally own, lease, or occupy private property with wastewater management system that discharge, or will discharge to the Town's wastewater management system.

Person shall mean any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency, or group.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standard Methods.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the Town of Wayland wastewater management system.

Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users.

Properly Shredded Garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the wastewater sewers, with no particle greater than  $\frac{1}{8}$  inch in any dimension.

Sanitary Wastewater shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

Standard Methods shall mean the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

State shall mean the Commonwealth of Massachusetts.

Storm Sewer shall mean a sewer for conveying storm, surface, and other waters, which is not intended to be transported to a wastewater treatment facility.

Surface Water shall mean water that occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

Suspended Solids shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater, as determined by Standard Methods.

Town shall mean the Town of Wayland, Massachusetts.

Toxics shall mean any of the pollutants designated by Federal regulations pursuant to Section 307(a)(1) of the Act.

Wastewater shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any incidental groundwater, surface water, or storm water that may be present.

Wastewater Management System shall mean the combination of the wastewater sewers and treatment facilities under the control of the Commission as defined in Chapter 461 of the Acts of 1996 of the Massachusetts Legislature.

Wastewater Sewer shall mean the structures, processes, equipment and arrangements necessary to collect and transport wastewater to the treatment facility.

Wastewater Treatment Facility shall mean the structures, processes, equipment and arrangements necessary to treat and discharge wastewater.

WEF shall mean the Water Environment Federation.

WWMDC shall mean the Wayland Wastewater Management District Commission.

## SECTION 2. GENERAL DEFINITIONS

Unless the context of usage indicates otherwise, the meaning of terms in these Rules and Regulations and not defined in Section 1 above, shall be as defined in the Glossary: Water and Wastewater Control Engineering prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Environment Federation, copyright 1969.

## ARTICLE II. GENERAL PROVISION

### SECTION 1. PURPOSE

The purpose of these Rules and Regulations is to provide for the maximum possible beneficial public use of the Town's wastewater management system through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the Town's wastewater management system; and to provide procedures for complying with the requirements contained herein.

### SECTION 2. SCOPE

(a) The definitions of terms used in these Rules and Regulations are found in Article 1. The provisions of these Rules and Regulations shall apply to the discharge of all

wastewater to facilities under the control of the Commission. These Rules and Regulations provides for use of the Town's wastewater management system, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of these Rules and Regulations.

(b) These Rules and Regulations shall apply to the Town of Wayland and users of the Town's wastewater sewers or wastewater treatment facilities.

### SECTION 3. ADMINISTRATION

Except as otherwise provided herein, the Director of the WWMD's wastewater systems shall administer, implement, and enforce the provisions of these Rules and Regulations.

### SECTION 4. NOTICE OF VIOLATION

Any person found in violation of these Rules and Regulations or any requirement of a permit issued hereunder, may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Any such notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the Director. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, Section 5 of this article shall be implemented,

### SECTION 5. VIOLATIONS

(a) Any person who continues to violate the discharge provisions of these Rules and Regulations beyond the time limit provided for in Section 4 above, may be charged with commission of a misdemeanor and upon conviction thereof, shall be fined not more than the maximum amount allowed by law, for each day the violation continues, or may be subject to disconnection from the Town's wastewater management system.

(b) Each day or portion thereof a violation continues shall constitute a separate violation.

### SECTION 6. FEES AND CHARGES

(a) All fees and charges payable under the provisions of these Rules and Regulations shall be paid to the Town. The Commission shall establish such fees and charges from time to time. The Commission may set a minimum user charge which shall be paid

regardless of actual wastewater discharge to the System.

(b) All fees, penalties and charges collected under these Rules and Regulations shall be used for the sole purpose of constructing, operating, maintaining, or replacing the wastewater management system of the Town, establishing reserves, or the retirement of debt incurred for same.

(c) All fees and charges payable under the provisions of these Rules and Regulations are due and payable within thirty (30) days of the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided by law. Bills unpaid for ninety (90) days shall be turned over to the Board of Assessors for collection as a lien against the property.

## SECTION 7. INSPECTIONS

(a) The Director or designee, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that discharge to the Town's wastewater management system is in accordance with the provisions of these Rules and Regulations.

(b) The Director or designee, bearing proper credentials and identification, shall be permitted to enter all private property through which the Town holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the Town's wastewater management system lying within the easement. All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(c) While performing the necessary work on private properties referred to in Sections 7(a) and (b) above, the Director or designee shall observe all reasonable safety rules established by the owner or occupant of the property and applicable to the premises.

(d) During the performance of inspections on private properties, wastewater sampling, or other similar operations referred to in Sections 7(a) and (b) above, the owner and occupant shall be: (1) held harmless for personal injury or death of the Director or designee and the loss of or damage to Town supplies or equipment; (2) indemnified against loss of or damage to property of the owner or occupant by the Director or designee; and (3) indemnified against liability claims asserted against the owner or occupant for personal injury or death of the Director or designee or for loss of or damage to property of the Town, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions as required by Article V of these Rules and Regulations.



## SECTION 8. VANDALISM

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Town's wastewater management system. Any person who violates this section shall be charged with a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed the maximum allowed by law.

## SECTION 9. SEVERABILITY

A finding by any court or other jurisdiction that any part or provision of these Rules and Regulations is invalid shall not affect the validity of any other part or provision of these Rules and Regulations which can be given effect without the invalid parts or provisions.

## SECTION 10. AMENDMENTS OF THE RULES AND REGULATIONS

These Rules and Regulations may be revised from time to time by formal vote of the Commission.

# **ARTICLE III. BUILDING SEWERS AND CONNECTIONS**

## SECTION 1. CONNECTION PERMIT

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any wastewater management system under the control of the Commission without first obtaining a written permit from the Director.

(b) There shall be three (3) classes of permits for connections to the Town's wastewater management system: Class I, Class II, and Class III- industrial. In all cases, the owner shall make application for a permit to connect to the Town's wastewater management system on a form furnished by the Town. The permit application shall be supplemented by wastewater information required to administer these Rules and Regulations. Permit and inspection fees, as established by the Commission, for a Class I, Class II, Class III connection permit shall be paid to the Town at the time the application is filed.

## SECTION 2. CONNECTION COSTS

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

### SECTION 3. SEPARATE CONNECTIONS REQUIRED

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 pipe is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The Town assumes no obligation or responsibility for damage caused by or resulting from any single building sewer that serves two buildings.

### SECTION 4. EXISTING BUILDING SEWERS

Existing building sewers may be used for connection of new buildings only when they are found, on examination and test by the Director to meet the requirements of these Rules and Regulations.

### SECTION 5. BUILDING SEWER DESIGN

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the Town, including the Board of Health, or the Commonwealth of Massachusetts. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF shall apply.

### SECTION 6. BUILDING SEWER ELEVATION

Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the Town's wastewater sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer connected to the Town sewer.

### SECTION 7. SURFACE RUNOFF AND GROUNDWATER DRAINS

No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer that is connected to a wastewater treatment facility unless such connection is authorized in writing by the Director.

## SECTION 8. CONFORMANCE TO APPLICABLE CODES

The connection of a building sewer into a wastewater sewer shall conform to the requirements of the building and plumbing code or other applicable requirements of the Town or Commonwealth of Massachusetts, or the procedures set forth in appropriate specifications of the ASTM or the WEF. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Director before installation.

## SECTION 9. CONNECTION INSPECTION

The applicant for a building sewer connection permit shall notify both the Commission and the Board of Health when such sewer connection is ready for inspection prior to its connection to the Town's facilities. Such connection and testing as deemed necessary by the Board of Health shall be made under the supervision of the Board of Health.

## SECTION 10. EXCAVATION GUARDS AND PROPERTY RESTORATION

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.

## SECTION 11. PROTECTION OF CAPACITY FOR EXISTING USERS

The Director shall not issue a permit for any connection to the Town's wastewater sewers or wastewater treatment facilities unless there is sufficient capacity, not legally committed to other users, in the wastewater sewers and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the system.

## SECTION 12. BUILDING SEWER MAINTENANCE

The Owner shall be responsible for the operation and maintenance of the building sewer, including all pumping facilities, as defined in Article 1.

## SECTION 13. INCREASE IN CAPACITY

An existing user seeking to purchase additional, increased capacity in the System shall make an application to the Commission setting forth the increased capacity requested in gallons per day using the **Sewer Use Discharge Permit Application**.

The user shall provide a copy of Board of Health approval of building expansion or use expansion plans. **The Board of Health approval must include written approval of the on-site disposal system which would be needed to be built to accommodate such expansion or additional wastewater flow as though all the wastewater associated with this property was to be disposed of on-site using Title 5 guidelines.**

For large systems permitted by the Department of Environmental Protection, the applicant must provide written proof that the DEP would grant a permit for on-site disposal of the entire amount of flow required for the property (as expanded) by Title 5.

The Director or Commission shall determine if the System can accommodate the requested increase and if so shall grant the request. A privilege fee will be levied upon any such user seeking additional capacity at a rate determined by the Commission at the time of such application. The privilege fee will be calculated with reference to the initial betterment paid by the user. The amount of the privilege fee and payment terms for the fee will be set forth in the grant of such additional capacity.

#### **ARTICLE IV. CONDITIONS TO USE SEWERS**

##### **SECTION 1. RESERVED**

##### **SECTION 2. RESTRICTED DISCHARGES**

(a) No person shall discharge or cause to be discharged to any of the Town's wastewater management system any substances, materials, waters, or wastes in such quantities or concentrations which will:

1. Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas;
2. Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater management system, but in no case discharges with the following properties:

having a pH lower than 5.0 or greater than 10.0 for more than 10% of the time in a 24-hour period;

having a pH lower than 3.5 or greater than 12.0 for any period exceeding 15 minutes.

3. Cause obstruction to the flow in sewers, or other interference with the operation of wastewater management system due to accumulation of solid or viscous materials. If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the Town's wastewater management system, the Director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision shall be borne by the person causing such deposit, obstruction, or damage.

4. Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of

the wastewater management system;

5. Contain heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities, but in no case shall the discharge of heat cause the temperature in the Town wastewater sewer to exceed 58.0 C (150\* F) or the temperature of the influent to the treatment facilities to exceed 40 C (104 F) unless the facilities can accommodate such heat;
6. Contain more than 100 milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;
7. Contain floatable oils, fat, or grease;
8. Contain noxious, malodorous gas or substance which is present in quantities that create a public nuisance -or a hazard to life;
9. Contain radioactive wastes in harmful quantities as defined by applicable state and federal regulations;
10. Contain any garbage that has not been properly shredded;
11. Contain any odor or color producing substances exceeding concentration limits that may be established by the Director for purposes of meeting the Commission's NPDES permit.

### SECTION 3. FEDERAL CATEGORICAL PRETREATMENT STANDARDS

- (a) No person shall discharge or cause to be discharged to any wastewater management system, wastewater containing substances subject to an applicable Federal Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within three (3) years of the date the standard is promulgated; provided however, compliance with a categorical pretreatment standard for new sources shall be required upon promulgation.
- (b) Upon application by a Class III user, the Director shall revise any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. The revised discharge limit for specified substances shall be derived in accordance with Federal law.
- (c) Upon application by a Class III user, the Director shall adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such person which are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. Requests for and determinations of a fundamentally different adjustment shall be in accordance with Federal law.
- (d) The Director shall notify any Class III user affected by the provisions of this Section

and establish an enforceable compliance schedule for each.

#### **SECTION 4. SPECIAL AGREEMENTS**

Nothing in this article shall be construed as preventing any special agreement or arrangement between the Town and any user of the wastewater management system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

#### **SECTION 5. WATER & ENERGY CONSERVATION**

The conservation of water and energy shall be encouraged by the Director. In establishing discharge restrictions upon industrial users, he/she shall take into account already implemented or planned conservation steps revealed by the Class III user. Upon request of the Director, each industrial user will provide the Director with pertinent information showing that the quantities of substances or pollutants have not been nor will be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Director, he/she shall make adjustments to discharge restrictions, which have been based on concentration to reflect the conservation steps.

#### **SECTION 6. GREASE TRAPS**

All users required to have grease traps by either town or state regulations shall pump out and maintain their grease traps to avoid excess accumulations but no less often than annually. The traps shall be maintained in accordance with the requirements of the Board of Health, the Commission, or the plumbing code whichever is more stringent. The Commission may require a specific pump out schedule for a user if it is determined that the user is contributing excess grease to the System. Proof of pumping in the form of a receipt indicating the date and address of the pump out and the description of the pumping results (among pumped out) shall be forwarded to the Commission within 30 days of pumping.

#### **ARTICLE V. CLASS III INDUSTRIAL DISCHARGERS**

##### **SECTION 1. INFORMATION REQUIREMENTS**

(a) All Class III dischargers shall file with the Town wastewater information deemed necessary by the Director for determination of compliance with this Ordinance, the Town's NPDES permit conditions, and state and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Director and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality

as set out in Section 1 (c) of this article.

(b) Where a person owns, operates or occupies properties designated as a Class III discharger at more than one location, separate information submittals shall be made for each location as may be required by the Director.

(c) The Director shall implement measures to ensure the confidentiality of information provided by a Class III discharger pursuant to these Rules and Regulations. In no event shall the Director delegate this responsibility or disclose any claimed confidential information to any person without prior notice in writing to the owner and without providing the owner with the opportunity to protect such confidential information, including the right to seek judicial relief.

## SECTION 2. PROVISION FOR MONITORING

(a) When required by the Director, the owner of any property serviced by a building sewer carrying Class III wastewater discharges shall provide suitable access and such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the Director. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

(b) The Director shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, wastewater treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring Class III wastewater discharges shall be required.

(c) Where the Director determines access and equipment for monitoring or measuring Class III wastewater discharges is not practicable, reliable, or cost effective, the Director may specify alternative methods of determining the characteristics of the wastewater discharge which will, in the Director's judgment, provide an equitable measurement of such characteristics.

## SECTION 3. DETERMINATION OF WASTEWATER CHARACTERISTICS

(a) Measurements, tests, and analyses of the characteristics of wastewater to which reference is made in these Rules and Regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste water," published by the American Public Health Association or such alternate methods approved by the Director and which comply with state and Federal law. Sampling methods, locations, times, duration, and frequencies are to be determined on an individual basis subject to approval by the Director. The discharger shall have the option to use, at his own expense, more complete sampling methods, locations, times, duration, and frequencies than specified by the Director.

(b) Measurements, tests, and analyses of the characteristics of wastewater required by these Rules and Regulations shall be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger shall make arrangement with a qualified laboratory to perform such analyses.

(c) Monitoring of wastewater characteristics necessary for determination of compliance with applicable pretreatment standards shall be conducted on the basis of the following schedule, unless more frequent monitoring is required by authority other than these Rules and Regulations, or if the Director, in his/her judgment, determines that the characteristics of the specific discharge warrant a different frequency monitoring:

Average Actual

Daily User Discharge Monitoring Frequency

less than 1,000 gpd	semi-annually
1,000-2,000 gpd	quarterly
more than 2,000 gpd	monthly*

(d) Monitoring of wastewater characteristics for any purpose other than the determination of compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the Director.

(e) Upon demonstration by any person that the characteristics of the wastewater discharged by that person are consistent, the Director may reduce the frequency as may be required by authority other than these Rules and Regulations, except in no case shall the frequency of monitoring be less than semi-annual for the determination of compliance with pretreatment standards.

(f) In determining the discharge characteristics factors such as continuous or batch operation, and seasonal operation and the information requirements of other provisions of these Rules and Regulations shall be considered by the Director. The Director may obtain wastewater samples as required to verify the consistency of discharge characteristics.

(g) Fees for any given measurement, test, or analysis of wastewater required by these Rules and Regulations and performed by the Town shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

## **ARTICLE VI. PRETREATMENT**

### **SECTION 1. WASTEWATERS WITH SPECIAL CHARACTERISTICS**

(a) While the Director may initially rely upon the Federal Categorical Pretreatment Standards to protect wastewater management system or receiving waters, if any



wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the wastewater management system, processes, equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the Director may:

1. Require pretreatment to a condition acceptable for discharge to the waste water sewers,
2. Require control over the quantities and rates of discharge,
3. Require payment to cover added cost of handling and treating the waste waters not covered by existing fees or charges,
4. Require the development of compliance schedules to meet any applicable pretreatment requirements,
5. Require the submission of reports necessary to assure compliance with applicable pretreatment requirements,
6. Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements,
7. Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Article 11 of these Rules and Regulations, or appropriate criminal penalties, or
8. Reject the wastewater-if scientific evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater management system.

(b) When considering the above alternatives, the Director shall assure that conditions of the Town's NPDES permit are met. The Director shall also take into consideration cost effectiveness and the economic impact of the alternatives on the discharger. If the Director allows the facilities shall be subject to review. The Director shall review and recommend any appropriate changes to the program, within sixty (60) days of submittal.

(c) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

## SECTION 2. COMPLIANCE WITH PRETREATMENT REQUIREMENTS

Persons required to pretreat wastewater in accordance with Section 1 above, shall provide a statement, reviewed by an authorized representative of the user and certified to by a qualified person indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or, additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the

pretreatment requirements the user shall submit a plan (including schedules) to the Director. The plan (including schedules) shall be consistent with applicable conditions of the NPDES Permit or other local, state or Federal laws.

### SECTION 3. MONITORING REQUIREMENTS

Discharges of wastewater to the Town's wastewater management system from the facilities of any user shall be monitored in accordance with the provisions of these Rules and Regulations.

### SECTION 4. EFFECT OF FEDERAL LAW

In the event that the Federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such a user- is exempt from pretreatment standards, such Federal regulations shall immediately supersede Section 1 (a) of this article.

### SECTION 5. REVISION OF PRETREATMENT STANDARDS

The Director shall promptly apply for and obtain authorization from the EPA to revise discharge limitations for those substances listed in the Federal Categorical Pretreatment Standards for which consistent removal occurs in the wastewater treatment facilities of the Town. The Director shall not adopt or enforce discharge limitations more stringent than the requested limitations until the state or EPA acts on the application.

## **ARTICLE VII. WASTEWATER SERVICE**

### SECTION 1. WASTEWATER USER CHARGES

Charges and fees for the use of the public wastewater management system shall be based upon the use of such system, or contractual obligations for a level of use in excess of actual use.

### SECTION 2. DETERMINATION OF SYSTEM USE

(a) The use of the Town's wastewater management system shall be based upon actual or estimated measurement and analysis of each user's wastewater discharges to the extent such measurement and analysis is considered by the Director to be feasible and cost-effective.

(b) Where measurement and analysis is considered not feasible, determination of each user's use of the facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source, or an alternative

means as provided by Section (c) below.

(c) The Director, when determining use of the Town's wastewater management system based on water use, shall consider consumptive, evaporative, or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the wastewater management system. The meters used to measure such water uses shall be of a type and installed in a manner approved by the Director.

### SECTION 3. PENALTIES FOR EXCESSIVE USE

Each user is encouraged to conserve water. Each connection permit will specify the amount of capacity in the Wastewater Management System that has been allocated to that user. Discharges into the Wastewater Management System in excess of the permitted capacity are prohibited. In the event that a user discharges excessive amounts of wastewater, the Director may assess a penalty fee. The penalty fee shall be set in accordance with Section 6 of Article II.

### ARTICLE VIII. EFFECTIVE DATE

These Rules and Regulations shall be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED this 6<sup>th</sup> day of April, 1999

AYES:

Christopher Woodcock

Lana Carlsson-Irwin

Eugene Roberts

NAYS:               None

ABSENT:           None

NOT VOTING: None

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AMENDED November 26, 1999

AMENDED December 11, 2003