

Town of Wayland
Department of Public Works
Water Regulations

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TABLE OF CONTENTS

SECTION 1: GENERAL PROVISIONS	1
1.1 Reference to Regulations.....	1
1.2 Authority	1
1.3 Purpose	1
1.4 Severability	1
1.5 Applicable Regulations.....	1
1.6 Right to Amend Regulations	2
1.7 DEP Regulations	2
1.8 Applications and Approvals.....	2
1.9 Fees	2
SECTION 2: DEFINITIONS.....	3
SECTION 3: USE OF WATER AND WATER FACILITIES	7
3.1 Jurisdiction	7
3.2 Ownership	7
3.3 Public Water Mains	7
3.4 Private Water Mains	7
3.5 Water Conservation and Emergencies	7
3.6 Water Main Extensions, Replacement, and Relocations	8
3.6.1 Bonding	8
3.6.2 Licensed Drain Layer	8
3.7 Hydrants	9
3.8 Private Fire Hydrant By-Law	9
3.9 Hydrant Flow Tests	9
3.10 Water-Cooled Air Conditioning and Refrigeration.....	9
3.11 Irrigation Systems.....	9
SECTION 4: WATER SERVICE.....	10
4.1 Application for Water Service.....	10
4.2 Unauthorized Use	11
4.3 Connection Costs	11
4.4 Reusing Existing Services.....	11
4.5 Construction Standards.....	11
4.6 Notice of Construction.....	11
4.7 Excavation Safety	11
4.8 Activation and Shutoff of Water.....	11
4.9 Repair of Water Services	11
4.10 Abandonment of Service and Demolition of Building	12
4.11 Water Service Pipes.....	12
4.12 Separate Services.....	12
4.12.1 Services to Multi-family Dwellings and Condominiums	12
4.13 Meters and Meter Testing	13
4.14 Installation of Meters	13
4.15 Meter Tampering	14
4.16 Master Meters	14
4.17 Meter Replacement and Testing	14
4.18 Temporary Hydrant Meters	14
4.19 Repairs, Maintenance, and Thawing.....	14

4.20 Shut Off, Resumption, Discontinuance, and Termination of Water Services	15
4.20.1 Shut Off and Resumption.....	15
4.20.2 Discontinuance	15
4.20.3 Termination	16
4.21 Liability	17
4.22 Indemnification	17
4.23 Public Function.....	17
SECTION 5: PRIVATE FIRE PROTECTION	18
5.1 Application for Fire Protection/Suppression System Supply Line (Fire Pipe)	18
5.2 Fire Pipes	18
5.3 Design and Construction Standards	18
5.4 Location of Fire Pipe	18
5.5 Installation of Fire Pipe.....	18
5.6 Installation of Backflow Device.....	18
5.7 Metering	18
5.8 Repairs, Maintenance and Thawing	19
5.9 Shutoff, Termination, Abandonment, and Resumption	19
5.10 Private Fire Hydrant	19
SECTION 6: CROSS-CONNECTIONS	20
6.1 Cross-Connections.....	20
6.2 Containment.....	20
6.3 Cross-Connection Elimination.....	20
6.4 Location and Type of Device.....	20
6.5 Backflow Preventers	21
6.6 Modification and Removal of Systems.....	21
6.7 Testing.....	21
6.8 Owner's Liability	21
SECTION 7: PRIVATE WELLS.....	22
7.1 Registration/Permit Requirements	22
7.2 Prevention of Cross-Connection	22
7.3 Decommissioning.....	22
SECTION 8: ENFORCEMENT	23
8.1 Inspection and Right of Access to Premises and Property	23
8.2 Right of Access to Easements	23
8.3 Violations, Penalties, and Enforcement Actions	24
8.3.1 Notice of Non-compliance.....	25
8.3.2 Cease and Desist Order	25
8.3.3 Penalties	25
8.3.4 Approval Action.....	26
8.3.5 Termination of Service	27
8.4 Vandalism	27
SECTION 9: ADOPTION	28
9.1 Effective Date	28
9.2 History	28
9.3 Amendments	28

SECTION 1

GENERAL PROVISIONS

These Water Regulations shall apply to the Town of Wayland and to persons outside Wayland who are users of Wayland's water services. These Water Regulations provide for use of the public water systems, measurement of water usage, equitable distribution of costs, control of cross-connections, emergency restrictions, and issuance of approvals, specifications and practices for infrastructure construction, and penalties and other procedures in cases of violation of these Water Regulations.

Except as otherwise provided herein, the Board of Public Works, as the Water Commissioners through the Director, and/or designees, shall administer, implement, and enforce the provisions of these Water Regulations.

1.1 Reference to Regulations

These Water Regulations may also be referred to as the Town of Wayland's Water Use Regulations.

1.2 Authority

A set of Water Regulations regulating the use of the public and private water system; the installation and connection of water systems; and the use of water into the public water facilities and providing penalties for violations thereof:

WHEREAS: the Town of Wayland desires to ensure that the use of the public water system operated by it will conform to the best water resources engineering practices.

Pursuant to M.G.L. c.40 § 21(7); M.G.L. c. 111 § 160 *et. seq.*; M.G.L. c 40 §§ 31, 39A, 39E, 39I, and 42A, and, the Town of Wayland Board of Public Works (Board) Policies on Payments, Abatements, and Deferrals, these Water Regulations hereby establish the requirements for the use of public water systems, private water systems, the installation and connection of water systems, and the use of water from the public water system, and providing penalties for violations thereof, in the Town of Wayland, County of Middlesex, Commonwealth of Massachusetts.

These Water Regulations shall be consistent with all applicable state regulations.

1.3 Purpose

The purpose of these Water Regulations is to provide for the maximum possible beneficial public use of Wayland's water facilities through regulation of construction and water use; to provide for equitable distribution of the costs to operate, maintain, and improve Wayland's water facilities; and to provide procedures for complying with the requirements contained herein.

1.4 Severability

The provisions of these Water Regulations are severable. If any provision of these Water Regulations or any specific application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect in the absence of the invalid provision or application.

1.5 Applicable Regulations

Every user of the public water system or private water mains shall be subject to regulations of the Town as they apply, and to any charges, rates, fees and assessments which are or may be established by the Town. Any user of the public water system or private water mains shall also be subject to applicable State and Federal regulations. In instances where various regulations contain conflicting requirements, the most stringent requirements shall

be met. In addition to these Water Regulations, the most recent standards of the American Water Works Association shall be adhered to.

1.6 Right to Amend Regulations

The Board reserves the right to amend these Water Regulations in any manner and to establish more stringent limitations or requirements as is deemed necessary or appropriate.

1.7 DEP Regulations

No provision of these Water Regulations shall be deemed to contravene or render ineffective any valid Department of Environmental Protection (DEP) regulations pursuant to M.G.L. c. 111 §§ 159 through 174.

1.8 Applications and Approvals

These Water Regulations and other activities related to the implementation of these Water Regulations require the submission of applications, certifications, and other information. Applications are available through the DPW and all requirements shall be completed to the satisfaction of the Wayland Department of Public Works (DPW) prior to the commencement of the activity. DPW approvals and applications are in addition to applications and permits that may be required by other Federal, State, and local laws or regulations.

- (a) The DPW may refuse to issue an approval for any use of the public water system which it believes can reasonably be expected to result in significant harm to health, safety, the environment, the DPW's water system, or a tributary to the DPW's water system.
- (b) The DPW shall enforce, pursuant to Section 8 of these Water Regulations and other applicable local, state, and federal laws, the terms and conditions of an approval issued under these Water Regulations.
- (c) The DPW may modify an approval as deemed necessary or appropriate or as required by state or federal law.
- (d) An applicant may request reconsideration of the terms and conditions in an issuance, renewal, or modification of an approval issued by the DPW, and an applicant may request reconsideration of the denial of an approval by the DPW, pursuant to Section 8 of these Water Regulations.
- (e) An approval shall not be assigned or transferred without prior written consent of the DPW. After consent of an assignment or transfer of an approval, the applicant shall provide a copy of the approval documentation to the assignee or transferee.
- (f) These Water Regulations shall not be construed to require the DPW to permit itself or those in its employ for activities done to carry out the DPW's responsibilities under any federal or state laws, regulations, or requirements.
- (g) All construction activities shall be subject of a plan review by the DPW. Upon completion of the construction, as-built plans, sketches, drawings, and other information shall be submitted to the DPW.

1.9 Fees

All fees and charges payable under the provisions of these Water Regulations shall be computed in accordance with the schedule of rates on file with the Department. Such fees and charges shall be established by the Board of DPW and paid to the Town of Wayland.

SECTION 2

DEFINITIONS

Terms that are not defined herein shall be interpreted as defined in the most recent edition of the Glossary-Water and Wastewater Control Engineering, published by the Water Pollution Control Federation (WPCF) (now known as Water Environment Federation) (WEF), Washington, D.C. Throughout these Water Regulations, *shall* is mandatory, and *may* is permissive. Terms are intended to be consistent with applicable DEP regulations. Unless the content specifically indicates otherwise, the meaning of the terms used in these Water Regulations shall be as follows:

Applicant shall mean any person applying for water service or for the extension, alteration, replacement, relocation, or testing of a water main and/or water system appurtenances.

As-Builts shall mean a set of drawings prepared upon completion of a project or a construction contract that reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed for the project or construction contract.

ASTM shall mean the American Society for Testing and Materials (now known as ASTM International)

Automated (or Automatic) Meter Reading Device shall mean a device(s) used for reading a water meter without having to enter a building or premises.

AWWA shall mean the American Water Works Association.

Backflow shall mean the flow of water or other fluids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources other than its intended source.

Backflow Prevention Device shall mean an approved mechanical device designed to prevent backflow as approved by the DEP for use in the Commonwealth of Massachusetts.

Bill shall mean a written statement issued by the DPW to a customer, that includes the actual or estimated amount of water used, all charges due for water service during such period, and additional information as may be required under these Water Regulations.

Board shall mean Wayland Board of Public Works

Building shall mean any structure used for human occupancy, employment, recreation, or other use classifications as defined by 780 CMR 302.0.

Charges shall mean all fees, rates, assessments and other charges for water or other services which are furnished or supplied by the DPW and which are authorized under these Water Regulations to charge and collect.

Combined Service shall mean a service pipe that is used to provide both water service and private fire protection service.

Condominium shall mean an independently owned unit of a residential or commercial building with at least two units separately owned.

Contaminant shall mean any physical, chemical, biological, or radiological substance or matter in water.

Control shall mean own, access, construct, install, repair, test, operate, and/or maintain.

Cross-connection shall mean any actual or potential connection between a distribution pipe of potable water supplied by the public water system and any waste pipe, soil pipe, sewer, drain or any other unapproved source. Without limiting the generality of the foregoing, the term "cross-connection" shall also include any bypass arrangement, jumper connection, removal section, swivel or changeover connection and any other temporary or permanent connection through which backflow can or may occur.

Customer shall mean the person listed on the records of the DPW as the party responsible for payment of bills for charges for water service to a building, whether or not the customer occupies the premises.

DEP shall mean the Massachusetts Department of Environmental Protection.

Design Criteria shall mean standards for design used by the Town of Wayland for construction, repair, and rehabilitation of public water mains, water service pipes, and fire pipes.

Director shall mean the Director of the Department of Public Works of the Town of Wayland. The Director may appoint an authorized representative to act on the Director's behalf.

Discontinuance shall mean a temporary cessation of water service for reasons other than ordinary repair and maintenance.

DPW shall mean the Wayland Department of Public Works.

Easement shall mean an acquired legal right for the specific use of land owned and maintained by others, whether recorded or by prescription.

Fee shall mean a charge established by the Town on a fixed or sliding scale basis which an applicant, owner, customer, or user is obligated to remit to the Town in accordance with the cost structure and payment schedule established by the Town for a granted service, condition, letter, document, or permit.

Licensed Drain Layer shall mean a person authorized in writing by the Town of Wayland to install, maintain, and repair water mains and water services within the Town of Wayland.

Lot shall mean a parcel of land, with definite boundaries ascertainable by recorded deed or recorded plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose, in one ownership and not divided by a street or public way.

Fire Protection/Suppression System Supply Line shall mean the private water piping, control valve, and appurtenances installed solely to furnish water for extinguishing fires (also referred to as a **Fire Pipe** in these Water Regulations).

Intermunicipal Agreement shall mean a cooperative or contractual arrangement between two or more municipalities made pursuant to M.G.L. c. 40 §4A.

Master Meter shall mean a water meter used for billing purposes serving a building or group of buildings.

Meter shall mean an instrument or device, including any appurtenances thereto for measuring and recording the flow of water and/or sewer usage at a location, installed by, or at the request of the DPW, and used for billing by the DPW.

Meter Pit shall mean an underground vault enclosing a meter.

Multi-family Dwelling shall mean a dwelling containing more than two dwelling units.

Owner shall mean a person who alone or jointly or severally with others has the legal title to any premises or has care, charge or control of any premises as agent, executor, administrator, trustee, lessee or guardian of the estate of the holder of legal title.

Permit shall mean an authorization issued pursuant to any applicable Federal, State, or Town regulations with conditions that require conformance by the applicant, owner, customer, or user.

Person shall mean any agency of the federal government, any agency or political subdivision of the Commonwealth, any state, public or Private Corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.

Plumber shall mean a person licensed as a plumber by the Commonwealth of Massachusetts.

Potable Water shall mean water fit for human consumption in conformance with the regulations of the Massachusetts Department of Environmental Protection.

Premises/Property shall mean a parcel of real estate or portion thereof, including any improvement thereon, which is determined by the Town to be either a single user or a multiple user for purposes of receiving, using and paying for water service.

Private Fire Protection shall mean private water mains, fire pipes, and other appurtenances installed and maintained by the owner for the purpose of fire protection/suppression at a particular premises.

Private Hydrant shall mean a hydrant which, by determination of a governmental board, body, reviewing agency, or department of the Town of Wayland, is not accepted and/or owned by the Town and is installed and maintained by an owner for the purpose of private fire protection/suppression at a particular premises. See Chapter 145 of the Town of Wayland by-law.

Private Water Main shall mean a water main which, by determination of a governmental board, body, reviewing agency, or department of the Town of Wayland, is not accepted and/or owned by the Town and is installed and maintained by an owner for the purpose of distribution of water to one or more private premises.

Public Water Main shall mean the piping and associated valves, hydrants and appurtenances which, by determination of a governmental board, body, reviewing agency, or department of the Town of Wayland is accepted and owned by the Town installed in a public way, publicly-owned easements whether recorded or by prescription, or private way open to public travel, for the purpose of supplying water to one or more customers or for public fire protection.

Public Water System shall mean a system for the provision to the public of piped water for human consumption and fire protection. The Town is a public water system.

Public Water System Capacity shall mean the public water system's technical, financial, and managerial ability to operate in compliance with 310 CMR 22.00, the DEP's "Guidelines and Policies for Public Water System" and each National Primary Drinking Water Regulation in effect at the time of such approval and in the foreseeable future.

Roadway shall mean a street which is designed, constructed, and maintained for vehicular travel.

Shut Off / Curb Stop shall mean the closing of a control valve to temporarily stop water service or terminate water service.

Service Fee shall mean a charge established by the Town on a fixed or sliding scale basis which an applicant, owner, customer, or user is obligated to remit to the Town in accordance with the cost structure and payment schedule established by the Town for a service performed by the Town relative to the water system.

Termination shall mean the cessation of water service for a violation of these Water Regulations.

Turn On shall mean the opening of a control valve by authorized DPW personnel to initiate, resume, or restore water service.

Use Classification shall mean the classification of a building or portions of a building with respect to occupancy as defined by M.G.L. 780 CMR 302.0.

User shall mean any person who obtains water service from a public water main or a private water main supplied from a public water main.

WEF shall mean the Water Environment Federation.

Water Service shall mean the readiness to supply or actual supplying of water to a premises in which water service pipe or fire pipe has been installed. Water service may also mean a water service pipe.

Water Service Pipe shall mean the connection, piping, and associated valves and appurtenances that extend from a public water main to a building or property for the purpose of supplying water, other than for fire protection/suppression systems.

Well shall mean any dug, driven, or drilled hole, with a depth greater than its largest surface diameter, developed to supply water intended and/or used for human consumption, irrigation, or industry and not subject to regulation by 310 CMR 22.00.

SECTION 3

USE OF WATER AND WATER FACILITIES

3.1 Jurisdiction

All property situated within the Town of Wayland shall be eligible to receive water service from the Town upon compliance with these Water Regulations. The timing and methods for extending or providing service shall be at the Town's sole discretion.

3.2 Ownership

The Town shall control the use of all public water mains, hydrants, valves, and associated appurtenances located within public ways and Town-owned easements within the Town unless otherwise specified in writing by the Town (with a copy provided to the owner) and except certain water mains of adjacent cities and towns. The Town owns the water meters, meter valves, remote readers, and associated metering equipment as described herein. The Town also controls all water service pipes from public water mains located within public ways and Town easements, whether recorded or by prescription, within the Town to an owner's property line, except where a building, foundation wall, retaining wall, stairs, areaways or other subterranean structures are located on the property line, the Town owns the water service pipe to the curb stop.

3.3 Public Water Mains

No person shall, without prior written authorization from the Town, uncover, make any connections with or opening into, alter, or disturb a public water main. No person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Town's water distribution system.

3.4 Private Water Mains

All private water mains in the Town that are supplied with and convey water from public water mains owned by the Town shall be subject to these Water Regulations, but shall be constructed, installed, repaired, operated, and maintained by their owners at the owner's expense. The Town may direct the owner to repair or replace a private water main, if in the judgment of the Town such action will reduce the quantity of water lost through leaks from that main or where such leaks may jeopardize the operation of the public water system. Repairs to private water mains shall be made by and at the expense of the owner. The Town shall inspect and approve the connection of the private water main to the Town's public water main. The Town shall have the right to operate, maintain, and/or repair a private water main and its appurtenances in the event of an emergency or at the discretion of the DPW as necessary for the continued operation and maintenance of the public water system. The Town shall have the right to recover its associated costs from the owner in the performance of the aforementioned activities.

3.5 Water Conservation and Emergencies

The DPW shall have the right to restrict the use of all water for purposes other than consumption in the Town during periods of drought or emergency in order to maintain pressure in accordance with the provisions of Chapter 191 of the Town of Wayland by-law.

No user shall knowingly allow water to leak or run to unnecessary waste. Water customers shall not waste water. Customers are responsible for the maintenance and repairs of their plumbing and appurtenances necessary to prevent any waste of water. The Town may adopt water use restrictions in accordance with the provisions of Chapter 191 of the Town of Wayland by-law upon its determination that conditions exist which limit the water supply and may endanger the public health, safety and welfare. Water use restrictions shall remain in full force and effect until the Town determines that the condition requiring their imposition no longer exist.

The Town may shut off water service to any premises during a drought, hurricane, conflagration or other disaster upon notification to the owner in accordance with Chapter 191 of the Town of Wayland by-law. The DPW reserves the right to temporarily interrupt service without first giving notice of such action, if in the DPW's opinion, it is necessary to do so due to emergency or urgent conditions in order to facilitate making of repairs or alterations to the public water system. Therefore, no person shall be entitled to receive damages or refunds or payments as a result of any such interruption.

3.6 Water Main Extensions, Replacement, and Relocations

The DPW shall not issue an approval for connection to Wayland's public water supply unless there is public water system capacity not legally committed to other existing and future users in the water supply and distribution system to adequately supply the quantity, quality and pressure of water and fire protection service that the requested connection will demand of the system.

An applicant may propose an extension, replacement, or relocation of a public or private water main to serve a new or rehabilitated building(s). All proposed extensions, replacements or relocations, including any tests, studies, investigations and inspections required for design, shall be designed and constructed in accordance with the Town's construction standards, and subject to the approval of the DPW (or designee). In the absence of specific code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of ASTM International, AWWA, and WEF shall apply. All 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. All expenses, including all engineering, legal, permitting, construction, and inspection expenses, involved in applying for and constructing an extension, replacement, or relocation shall be borne by the applicant.

Water main extensions and relocations intended to provide water service to one or more lots shall extend to the full extent of the frontage(s) of the lot(s) to be served unless otherwise approved by the DPW.

After approval of a proposed extension, replacement, or relocation of a water main and after the attendant construction has been approved by the Town, the applicant may transfer ownership of the extended, replaced, or relocated water main to the Town through a form prescribed by the Town. The form shall be accompanied with as-built plans for the extended, replaced, or relocated water main and any other information required by the Town. Until such time as the form is signed by the Town, the extended, replaced, or relocated water main shall be considered to be a private water main owned by the applicant and shall be subject to the requirements pertaining to private water mains contained in these Water Regulations. The Board of Public Works may deny acceptance if it is determined that the area in question does not meet the specifications outlined in this document.

If an applicant requests new water service pipe or fire pipe which, in the judgment of the Town, will impose a demand in excess of the capacity of the existing main, it may be necessary to replace the existing main with one of appropriate size. The applicant shall pay the full cost thereof including any tests, studies, investigations and inspections required for design and construction. When the Town must perform professional engineering and legal reviews for development projects, the applicant shall pay for such reviews.

3.6.1 Bonding

Contractors must post a bond in a form satisfactory to the Town and in an amount and for a period of time that the Town deems sufficient to guarantee construction quality and operating performance. The Town may establish a minimum bonding amount. Bonding is required before work commences on any public water main extension, replacement or relocation by contractors working for the Town or by an owner on Town-owned property or easements.

3.6.2 Licensed Drain Layer

All water installations, repair or maintenance work shall be performed by a drain layer who possesses a valid Drain Layers License issued by the DPW. A drain layer's bond, using the DPW's standard bond form, as then in effect, must be submitted and approved to the DPW in advance of installation, repair or maintenance.

3.7 Hydrants

All hydrants located in public ways and Town-owned easements shall be owned and maintained by the Town. Hydrants shall be placed at locations designated by the Town to facilitate public fire protection or for Town maintenance. As a condition of an approved new or extended water service, the Town may require an owner to pay for the cost of hydrant installation if the Town determines that such new extended water service creates fire protection requirements or enhanced Town maintenance.

Any use of water from an un-metered hydrant for purposes other than extinguishing fires is strictly prohibited. Hydrant use for any other purpose shall only occur pursuant to an approval for use obtained from the Town. After approval, a hydrant meter and a backflow preventer for the proper operation of the hydrant shall be provided upon payment of a deposit in an amount established by the Town. A copy of the approval shall be available for inspection at the site of the work at all times during use. The failure to comply with the terms as set forth on the hydrant approval for use or the unauthorized use of water from a hydrant are violations of these Water Regulations which can result in the imposition of a fine in accordance with Section 8 of these Water Regulations. The owner of a private hydrant must obtain an approval for use of the hydrant and meter from the DPW unless the hydrant is master metered. All hydrant flow tests shall be approved and overseen by the DPW or its approved agent.

3.8 Private Hydrant By-Law

The purpose of this article is to set requirements for the testing, inspection, and maintenance of privately owned fire hydrants and underground and exposed piping. It is the responsibility of the property owner to have all the hydrants and piping located on his/her property maintained, inspected, and tested in accordance with this regulation. This procedure is necessary in order to assure proper function of the fire hydrants located on the property. See Chapter 145 of the Town of Wayland By-Law

3.9 Hydrant Flow Tests

All hydrant flow tests shall be subject to approval of, and overseen by, the DPW or its designated agents. A hydrant flow test is the measurement of flow from a hydrant performed in accordance with generally accepted engineering practices. A copy of the hydrant flow test results shall be submitted by the applicant to the DPW within 14 days of completion of the test. Hydrant flow tests will not be conducted during the winter months.

3.10 Water-Cooled Air Conditioning and Refrigeration

An air conditioning or refrigeration unit or units requiring water for cooling cannot be used without provision for water recycling. A device enabling the reuse of water supplied in the system shall be in operation whenever such system is in operation. Such systems shall be subject to the Cross-Connection provisions of these Water Regulations.

3.11 Irrigation Systems

All irrigation systems must comply with Chapter 191 of the Town of Wayland By-law. Systems must be approved by the Board of Public Works prior to installation. The Town, pursuant to Section 3.5, may restrict or prohibit the use of irrigation systems and outside watering in accordance with the provisions of Chapter 191 of the Town of Wayland by-law.

SECTION 4

WATER SERVICE

4.1 Application for Water Service

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public water main or appurtenance thereof without first obtaining written approval from the DPW. Any person proposing a new water connection to a public or private water main or any person proposing a substantial change in the quantity or use of an existing water connection shall file a written application for the connection or change with the DPW prior to making the proposed change or connection. Water use is authorized only for the use and quantity described in the application.

In order to obtain approval to construct or change the size or location of a water service pipe connecting to a public water main, the owner shall submit an application. An application shall be supplemented by permits, plans, specifications or such other information as the Town may require, including but not limited to, building site plans approved by the DPW. Approval of an application shall be subject to the public water system capacity in the public water main as determined by the DPW. Any application issued shall be void and invalid unless the work authorized by it shall have been commenced within 180 days after issuance; however, for cause shown and upon written request by the owner, an extension may be granted by the DPW. The duration of a time extension shall be determined by DPW on a case by case basis.

No work of installing or repairing water connections or any customer plumbing and appurtenances that are under the jurisdiction of the DPW, shall commence unless the approval to do so is issued by the DPW and is at the site of the work, in the hands of the plumber or contractor doing the work. All work shall be completed within the time limitations stated in the approval, which shall be established by the DPW at the time that the approval is issued. If not so completed, a new approval shall be obtained by the owner to validate continuance of the work. One copy of the approval shall be available for inspection at all times at the site of the work.

The owner shall be responsible, at its expense, for fulfilling all Town requirements for licensing, bonding, permitting, submitting applications, installing the water service pipe and appurtenances, tapping and making connection to the public water main designated by the Town, and cutting and capping any water service pipe and appurtenances to be discontinued. Only the Town shall turn on the water service. The service will not be turned on until the installation has been inspected and a water meter has been installed in accordance with these Water Regulations. Water service installations will not be allowed until there is a foundation in place.

4.2 Unauthorized Use

No person supplied with water shall use the water for purposes other than those stated in their application. No person supplied with water shall supply another building with water without authorization from the DPW. No person shall take water from a service line prior to the water meter. No person shall supply water to a pool or other facility not directly connected to the customer's plumbing without the written authorization of the DPW. No unauthorized person shall operate or use water from a fire hydrant.

4.3 Connection Costs

All costs, fees, and expenses incident to submission of an application and work authorized pursuant to such application, including but not limited to design, legal, construction, connection, and inspection of a water service pipe shall be borne by the owner. The owner shall indemnify the Town of Wayland from any loss or damage that directly or indirectly may result from the installation of the building service connection. Flat fees for all new service connections to the public water system will be established by the Director and must be paid prior to installation. An approval and inspection fee shall be paid to the Town at the time the application for approval under this section is filed.

4.4 Reusing Existing Services

Existing water services may be reused at the sole discretion of the Water Superintendent for connection of new buildings to the Wayland Water System. Each request for reuse will be taken on a case by case basis. The reuse of iron pipe, thin walled plastic well pipe, lead pipe are prohibited.

4.5 Construction Standards

The size, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing, and testing methods used in the construction and installation of a building water service or water extension shall conform to the current Town of Wayland construction standards, to the building code and the plumbing code, and to all other applicable requirements of the Town of Wayland and the Commonwealth of Massachusetts. In the absence of specific code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM International, AWWA, and WEF shall apply. All 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.

4.6 Notice of Construction

Prior to construction, the applicant shall obtain any necessary Town permits; comply with Dig-Safe, and local, state, and federal trench excavation safety requirements. The applicant for the approval or the contractor engaged in the construction work shall notify the DPW a minimum of forty-eight hours in advance of when work is to be performed. The installation of water connections shall be made under the observation of the DPW or the DPW's duly authorized representative. No work shall be backfilled by the contractor without the authorization of the DPW.

4.7 Excavation Safety

All excavations for water construction shall conform to applicable local, state, and federal codes and regulations and be adequately guarded with barricades, lights, and by other means as necessary 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 consistent with applicable regulations and to the satisfaction of the DPW.

4.8 Activation and Shut Off of Water

No person, except an authorized employee of the DPW, shall turn on or shut off water from any main or service pipe owned by the Town.

4.9 Repair of Private Water Services

The repair of the water service line shall be the responsibility of the owner and all costs of the repairs will be borne by the owner. The total cost of the repair or replacement of the service line shall be borne by the owner, including all necessary permit and application fees.

Whenever, in the opinion of the DPW, the age, condition or size of a service pipe is such as to make it impracticable to maintain service through the pipe, the owner shall be advised that they must repair or replace the service pipe. The Director may limit the methods of repairs to privately owned building services within five years of the date of reparation to the public way. The owner may be required to select repair methods that will not disturb or otherwise modify the public way surface.

4.10 Abandonment of Service, Demolition of Building and Partial Demolition of Buildings

When water service has been discontinued for a period of one year or more and no commitment has been provided by the owner as to possible future use, the DPW may, at its sole discretion, consider the water service to be abandoned and may disconnect the water service pipe from the public water main at the owner's expense. If any building is razed, the owner, at their expense, must disconnect the water service from the public water main and all work must be done in accordance with these Water Regulations.

Before a building or structure is demolished, the owner shall obtain approval from the DPW for the removal or cutting and capping all water and fire pipes. The Town at its sole discretion may require the owner to submit a site plan. The owner shall perform the removal or cutting and capping of all water and fire pipes and the Town shall inspect the work to ensure that the services are removed or properly cut and capped in accordance with Town specifications prior to backfilling. The owner is responsible for all costs incurred in this process.

In the case of a Demolition or Partial Demolition of an existing structure, the DPW will require the renewal of the existing water service main to curb stop and curb stop to house in accordance with Section 4.4 of this document.

4.11 Water Service Pipes

The property owner shall own that portion of a water service pipe located on the owner's property with the exception of Town owned meters and couplings. Where a building, foundation wall, retaining wall, stairs, areaway or other subterranean structure is located on the property line, such ownership shall continue to a distance of 18 inches beyond the property line. For services greater than 2-inch diameter, the property owner shall own the service extending from the property to the public water main up to and including the control valve at the main.

Water service pipes within a public way or a private way open to public travel shall be constructed in accordance with the Town's construction standards and applicable local, state, and federal codes and regulations.

4.12 Separate Services

The Town requires a single water service pipe and a master meter for multiple unit premises. A separate service and meter shall be required for each premises of different address or ownership. When water is supplied to more than one dwelling unit through a single service, a single meter shall be installed to record water usage for the whole supply furnished through the service. If secondary or auxiliary meters are desired by the owner for showing sub-division of the water supply, they shall be furnished, installed, maintained and read by the owner. Separate billing will not be provided by the DPW.

No singularly owned dwelling unit or building shall have more than one water service without the approval of the DPW.

4.12.1 Services to Multi-family Dwellings and Condominiums

Each unit of a multi-family dwelling or condominium whose individual units share common sidewalls but are singularly owned throughout the material extents from foundation to roof shall be provided with a separate water service. Units of multi-family dwellings or condominiums that are singularly owned but share a common foundation/footprint may share a common water service.

4.13 Meters and Meter Testing

For residential and non-residential buildings, the Town shall furnish and install, at the property owners expense, meters, automated meters, automated reading devices or other appurtenances, up to and including two inches in size, along with the necessary bushings and couplings to attach to the plumbing. All new meters and isolation valves over 2 inches diameter shall be furnished and installed by the property owner at their expense. The size of the meter required shall be subject to the approval of the Town. All water meters shall remain the property of the DPW, and the DPW shall have access to and control over the water meters. No unauthorized person shall remove, repair, or replace the water meter. The DPW shall determine the type of meter to be used.

The property owner shall provide and maintain a clean, dry, warm and readily accessible environment for the water meter. The property owner shall provide valves on both sides of the meter, to facilitate removal of the meter by the DPW for testing without requiring the buried exterior valve to be operated, and without draining the property owner's interior water piping system. Water meters shall be set where the water service pipe enters the building.

The primary purpose of meter installation is to provide a method for determination of water system usage. Meters shall be installed in a manner, which best reflects the demands placed on the system by the user in combination with limits of property rights and ownership. In general a single meter will reflect a single building and/or property unless the water system configuration or limitations on the site require installation of more than one meter.

At any normal rate of flow, as specified by AWWA standards, a new meter shall register not less than 98.5% and not more than 101.5% of the water that actually passes through it. A used meter shall register not less than 97% and not more than 103% of the water that actually passes through it.

All meters furnished and installed by the Town and all existing meters shall be the property of the Town. The Town may refuse to take ownership of a meter which is improperly installed by others or which is the wrong type or size for the premises in question. Where a meter is improperly installed by others or is the wrong type or size, the property owner shall be required to furnish a meter approved by the Town prior to the commencement or resumption of water service. The Town has the right to change the size of the meter without charge to the property owner. However, all costs and expenses associated with the installation of a meter outside of normal business hours shall be borne by the property owner.

4.14 Installation of Meters

Prior to installation of the meter, the property owner shall at its expense complete the plumbing so that the premises is ready for meter installation. The plumbing shall be completed by the property owner in a manner that permits installation of the meter closest to the point of entry of the water service pipe. All meters over 2 inches and automatic reading devices shall originally be installed by the property owner at its expense and inspected by the Town. At the DPW's discretion, the DPW may, at its expense, replace such meters and automatic reading devices. All meters and meter installations shall conform to the Town's construction standards and all applicable local, state, and federal codes and regulations and comply with these Water Regulations.

Meters three inches in size and larger shall be the turbine or compound type as determined by the Town and shall be installed with a strainer of the same manufacturer and with a 1-inch tap for meter testing by the Town. All meters shall be installed horizontally.

All meters shall be installed within a property owner's building as close to the public water supply main as possible in an ample and suitable space free from exposure to freezing unless otherwise directed by the Town. This space shall at all times be unobstructed and accessible to the Town for reading, testing,

Inspection and maintenance purposes. The installation of a meter in a pit shall be at the sole discretion of the Town.

4.15 Meter Tampering

No person shall repair, remove, replace, bypass, tamper with or prevent a meter or reading device from registering water usage, and such acts shall be subject to the penalties stated in Massachusetts General Laws Chapter 165 Section 11 and to such other penalties as the Town may adopt under these Water Regulations.

4.16 Master Meters

The Town, at its sole discretion, may require the master metering of more than one water service. In such case, the property owner(s) of the premises served shall be responsible for payment of all water charges, all costs and expenses incident to the installation of the master meter and the acceptance of all related notices.

4.17 Meter Replacement and Testing

The Town maintains an annual meter installation and maintenance program. Upon notification that a meter is broken or missing, the Town will install a new meter, provided that the premises is meter-ready. The replacement of a frozen meter, a meter that is lost in service, or any appurtenant meter reading devices damaged or lost in service, shall be at the owner's expense. If plumbing work is necessary to make the premises meter-ready, the Town will provide plumbing specifications to enable the owner to prepare the premises for meter installation.

The Town may subject all meters to periodic tests. The Town may at any time test, repair or replace any meter at its option and expense. An owner may request that the Town test his or her meter. Such tests shall be performed at the expense of the owner.

4.18 Temporary Hydrant Meters

Any use of water from an unmetered hydrant for purposes other than extinguishing fires is strictly prohibited. Hydrant use for any other purpose shall only occur pursuant to an approval obtained from the DPW. After issuance of the approval, a hydrant meter and a backflow preventer for the proper operation of the hydrant shall be provided upon payment of a deposit in an amount established by the DPW. The approval must be attached to the meter at all times during use. The failure to comply with the terms as set forth on the hydrant approval or the unauthorized use of water from a hydrant are violations of these Water Regulations which can result in the imposition of a fine in accordance with Section 8 of these Water Regulations.

Prior to use, the owner of a private hydrant must obtain an approval to use the hydrant and meter from the DPW unless the hydrant is master metered.

4.19 Repairs, Maintenance, and Thawing

The portion of a water service pipe on private property, or the portion not owned by the Town, shall at all times be kept by the owner in good repair, free of leaks and protected from frost and corrosion. If the Town determines that any private piping does not conform to applicable state and federal law, codes and regulations, the Town may require an owner, at its expense, to expose the piping for inspection by the Town. The Town may require the owner, at its expense, to replace or repair the piping in accordance with applicable regulations. In the case where the portion of the water service pipe owned by the Town is damaged by neglect or carelessness of the owner of the premises served, or any plumber, contractor, occupant or other person acting on behalf of the owner of the premises, all necessary repairs shall be made by the Town at the owner's expense. Such costs will be assessed to the owner.

If the Town determines that there is a leak in the owner's portion of the water service pipe, the Town shall so notify the owner with a written Notice, and the owner shall be responsible for obtaining all applicable local, state, and federal permits and having the leak repaired within 14 days, unless otherwise directed by the DPW, and the work inspected by the Town to ensure compliance with these Water Regulations. The Town, in accordance with these Water Regulations, may shut off such a leaking water service pipe.

The owner is responsible for thawing, at its expense, a frozen water service pipe on the owner's portion of the water service pipe.

4.20 Shut Off, Resumption, Discontinuance, and Termination of Water Service THIS SECTION IS INTENTIONALLY MISSING AS IT IS RECEIVING ADDITIONAL REVIEW AND WILL REQUIRE SEPARATE APPROVAL.

4.21 Liability

Pursuant to M.G.L. c. 258 § 10, the Town shall not be responsible for any damage resulting from the shut-off or subsequent resumption of water, including but not limited to bursting or collapse of boilers supplied by direct pressure; damage by debris in dirty water; the breaking of any pipes, fixtures, control valves or fire pipe gates; stoppage or interruption of water supply. The Town shall also have no responsibility for any consequential damages (including, but not limited to, food or housing costs) incurred by an owner, customer, or user as a result of the shut-off or subsequent resumption of water.

No user shall utilize any apparatus or device or use water in such a way that could or does adversely affect a public water main, appurtenance, or water service pipe. The user shall be liable for any damage to public water mains, appurtenances or water service pipes or property resulting from a violation of these Water Regulations.

4.22 Indemnification

Pursuant to M.G.L. c. 258 § 10, an owner or user shall indemnify and hold harmless the Town for any damages or civil liabilities the Town may sustain or be required to pay in consequence of an injury or property damage resulting from the owner's or user's violation of these Water Regulations. The owner shall indemnify the Town from and shall reimburse the Town for any loss or damage directly or indirectly caused to the Town's water facilities by the installation of any privately owned portion of a water service pipe, combined service, fire pipe or other plumbing.

4.23 Public Function

In acting under these Water Regulations, the Town shall be deemed to be performing an essential public function. The Town shall not be liable for any loss or damage as a result of the performance of such public function as provided by M.G.L. c. 258 § 10.

SECTION 5

PRIVATE FIRE PROTECTION

5.1 Application for Fire Protection/Suppression System Supply Line (Fire Pipe)

In order to obtain approval to construct or change the size or location of a fire pipe connecting to a public water main, the owner shall submit an application. The application shall be supplemented by a building site plan approved by the Town, and by such other permits, plans, specifications, and information as the Town may require. Approval of the application shall be subject to the public water system capacity in the public water main as determined by the DPW (or designee). Any application issued shall be void and invalid unless the work authorized by it shall have been commenced within 180 days after issuance; however for cause shown and upon written request by the property owner, an extension may be granted by the DPW (or designee).

All costs and expenses incident to the completion of an application and the work authorized pursuant to such application, including but not limited to design, construction, connection, and inspection of a fire pipe shall be borne by the owner.

Water supplied through a fire pipe shall be for fire protection only, except for annual fire pump tests. Only prior written authorization from the Town shall permit any other use of water from a fire pipe. No water used for fire protection/suppression systems shall be taken from a water service pipe.

5.2 Fire Pipes

The property owner shall own the entire fire pipe, extending from the property to the public water main including the control valve at the main. Water mains designated as transmission mains shall not be tapped for a fire pipe, except when approved by the DPW (or designee).

5.3 Design and Construction Standards

Fire pipes shall be constructed in accordance with the Town's construction standards and the latest versions of the State Plumbing Code, Wayland Fire Prevention Code, and National Fire Code.

5.4 Location of Fire Pipe

No fire pipe shall be laid in the same trench with any other public or private facilities, except a water service pipe, nor within ten feet of a sewer. Any connection of a fire pipe to a public main shall be made in a public way, a Town-owned easement, whether recorded or by prescription, or in a private way open to public travel. The Town at its sole discretion shall determine the point of connection of the owner's fire pipe to the Town's water main.

5.5 Installation of Fire Pipe

The owner shall be responsible, at its expense, for installing, pressure testing, disinfecting, dechlorination and sampling the fire pipe and appurtenances including an approved backflow prevention device as provided in Section 5.6 below, tapping and making connection to the public water main designated by the Town, and the cutting and capping of existing services and appurtenances to be discontinued. The owner or owner's contractor shall arrange at least twenty four (24) hours in advance for an inspection by the Town before backfilling the installed fire pipe and appurtenances. The owner or owner's contractor shall not backfill the installation until it is inspected by the Town. Only the Town shall resume water service after inspection and approval of the fire pipe installation. The owner shall provide access to the property for the inspection by the Town and shall not conceal the purpose for which the fire pipe is used or to be used.

5.6 Installation of Backflow Device

All fire pipe supply lines shall be equipped with an approved backflow prevention device. A design data sheet including schematics shall be submitted to DPW for review and approval prior to installation.

Owners installing new fire pipes shall be responsible, at their expense, for equipping new fire pipes with an approved backflow prevention device. Owners of existing fire pipes without backflow prevention devices shall be responsible, at their expense, for installing approved backflow prevention devices.

5.7 Metering

The Town may require that an owner install a detector meter on a fire pipe for the purpose of monitoring leakage and water use. If metering is required, all expenses for furnishing and installation of the meter shall be borne by the owner. The provisions of Section 4 with respect to meter location, right to enter premises, meter testing, meter tampering, and meter replacement or repair shall apply to fire pipe meters.

5.8 Repairs, Maintenance and Thawing

The fire pipe shall at all times be kept by the owner of the premises and at its expense in good repair, free of leaks and protected from frost and corrosion. The owner shall be responsible for having a leak in a fire pipe repaired at the owner's expense. Such a leaking fire pipe may be shut off by the Town in accordance with the provisions of Section 5.6. The owner is responsible, at its expense, for thawing a frozen fire pipe.

5.9 Shut -Off, Termination, Abandonment, and Resumption

No shut-offs of a fire pipe shall occur except in accordance with Massachusetts General Laws Chapter 148, Section 27A. After compliance therewith, the Town may shut off a fire pipe without notice in order to prevent the loss of water, to prevent or stop damage to property, or to perform work on a public water main. At the owner's request, the Town may shut off water service to a premises in order for the owner to make repairs.

No discontinuance of a fire pipe shall occur except in accordance with Massachusetts General Law Chapter 148, Section 27A. An owner may discontinue the owner's fire pipe service to specific premises by notifying the Town in writing at least three working days before the date on which the fire pipe is to be discontinued. If a fire pipe has been discontinued for a period of one year or more, the Town may, at its sole discretion, require the owner to cut and cap, at the owner's expense, the fire pipe(s) from the public water main.

Only the Town shall turn on a fire pipe. After inspection and approval of a newly installed fire pipe and proper installation and testing of approved backflow prevention device, and upon written request by the owner, the Town shall turn on the water service. The Town may turn on fire service without notice to the owner after performing work on a public water main. When water service to the fire pipe of any premises has been terminated for any reason, it will be turned on by the Town only after the conditions, circumstances or practices that caused the fire service termination are corrected.

If a fire pipe has been discontinued for one year or longer, the service will be turned on by the Town at the request of the owner only after the owner submits an application. The application shall be supplemented by building site plans approved by the Town and any other such permits, plans, specifications and information as the Town may require.

The owner shall be responsible for obtaining the necessary approvals or permits from other Town departments when the fire pipe is shut off, discontinued or resumed for any reason.

5.10 Private Fire Hydrant

Private Fire Hydrants shall be tested in accordance with Chapter 145 of the Town of Wayland By-laws.

SECTION 6

CROSS-CONNECTIONS

6.1 Cross-Connections

Cross-connections must be suitably protected to prevent the occurrence of water supply contaminations. The DPW operates a cross-connection control program to promote the elimination or control of cross-connections between customers' plumbing and the public water supply of the town. The DPW cross connection control program fulfills the responsibilities of the DEP's cross-connection regulations, 310 CMR 22.22 and is conducted in compliance with DEP regulations.

The DPW has the authority to terminate any water service connection to any building where cross-connections exist without the required backflow prevention devices that are required by the reviewing authority. If the DPW determines at any time that a serious threat to the public health exists due to a cross-connection, the water service will be terminated immediately.

6.2 Containment

All commercial, industrial, and institutional premises shall have a reduced pressure backflow preventer installed immediately downstream of the water meter. Water users are required to notify the DPW of any existing cross-connections that the owner is aware of.

6.3 Cross-Connection Elimination

The backflow of non-potable water, other fluids, gases or foreign materials into the Town's water distribution system or plumbing systems of properties served by the public water system is prohibited. Public and private water mains, plumbing systems and fire protection/suppressions systems supplied by the Town's water distribution system shall be protected against cross-connection and backflow from any plumbing fixture or other equipment or appliance capable of affecting the quality of the water supply. The Town shall approve the installation of backflow prevention devices utilized to protect a cross-connection.

6.4 Location and Type of Device

The location and type of each approved backflow prevention device with respect to the customer's plumbing and the service connection to the premises shall be based on the degree of existing or potentially existing health hazard.

Types of backflow prevention devices can include:

- (a) Double check valve assemblies;
- (b) Reduced pressure backflow preventer;
- (c) Backflow preventer with intermediate atmospheric vent;
- (d) Pressure vacuum breaker;
- (e) Atmospheric vacuum breaker;
- (f) Barometric loop; and
- (g) Air gap.

6.5 Backflow Preventers

No person shall maintain a cross connection without an approved backflow prevention device. Backflow prevention devices shall comply with the provisions of the Massachusetts Department of Environmental Protection (MA DEP) Drinking Water Regulations 310 CMR Section 22.22 Cross Connection Distribution System Protection.

No person shall construct or install any air gap separation with tank and pump arrangement, reduced pressure backflow preventer, or double check valve assembly required for control of a cross-connection unless approval of installation of such device is obtained from the DPW. A Device Data Sheet shall be submitted to DPW with the application for approval. Prior to the installation of such a device, a permit must be obtained from the plumbing inspector. Additionally, the owner shall apply annually to the DEP for a permit for each reduced pressure backflow preventer and double check valve assembly installed on the premises. The Town shall perform the initial inspection and test of the backflow prevention devices.

The owner, at its expense, shall install backflow prevention devices. If continuous water service is necessary, two approved backflow prevention devices shall be installed in a parallel installation, so that water service will not be interrupted during testing and maintenance operations. The owner shall not install a by-pass around any backflow prevention device. Installation of backflow prevention devices shall be performed by licensed plumbers. Backflow prevention devices shall be installed in a horizontal position, three (3) to four (4) feet above the floor, twelve (12) inches from any wall, tightly closing shut off valves on either end, protected from freezing, flooding, mechanical damage, and vandalism and shall be easily accessible for testing, inspection and maintenance purposes. A repair kit shall be provided with the backflow preventer and located and stored within 20 feet of the installed backflow preventer. The Town under certain circumstances shall allow vertical installation of a backflow prevention device. Installation of a backflow prevention device below grade in a pit or chamber is prohibited.

6.6 Modification and Removal of Systems

The owner shall inform the DPW in advance of any proposed modifications to cross-connections. Removal of an approved backflow prevention device is prohibited without prior notification to the Town by the property owner and subsequent approval by the Town.

6.7 Testing

The Town shall conduct annual and/or semi-annual tests and inspections, as applicable, of all approved backflow prevention devices at the owner's expense, to insure proper operating condition. Any approved backflow prevention device failing a Town test and inspection shall be repaired by a licensed plumber or licensed sprinkler fitter and shall be subsequently retested and re-inspected within fourteen (14) days of failure at the owner's expense to insure proper operating condition. Failure, refusal, or inability on the part of the owner to install and maintain the required device(s) shall constitute grounds for termination of water service to the premises.

The Town shall not be responsible for any damage resulting from the shut-off of water or the subsequent resumption of water in conducting required tests and inspections of approved backflow prevention device installations.

6.8 Owner's Liability

The owner shall be liable to the Town, and shall reimburse the Town, for all penalties, fines and monetary judgments levied against or imposed upon the Town as a result of the owner's violation of any provision of this Section.

SECTION 7

PRIVATE WELLS

7.1 Registration/Permit Requirements

All private wells within the Town of Wayland shall be registered with the Board of Health. No person shall dig, drive, or otherwise establish or install a private well without receiving necessary approvals from the Town.

7.2 Prevention of Cross-Connection

Water piping and appurtenances from a private well shall not be connected to any piping, appurtenance, equipment, or system supplied by the Town's water distribution system. Water supplied to any premises from the Town of Wayland's Public Drinking Water Supply shall be the only source of water within premises. Any other source of water, (e.g.; Private Well), shall not enter within the walls of the premises served. In the event a secondary source of water is found to enter premises, water service from the Wayland Public Drinking Water System shall be immediately terminated at the curb stop. Water Service shall not be restored until the secondary supply no longer exists. In the event that a customer decides to utilize a private water system the water service to the property shall be terminated at the water main at the expense of the property owner.

7.3 Decommissioning

When a private well is decommissioned, the decommissioning must be done in compliance with Town of Wayland regulations and DEP Well Regulations. Notification of the decommissioning of a private well shall be filed with the Town and other regulatory agencies within thirty (30) days after completion of the plugging procedure.

SECTION 8

ENFORCEMENT

8.1 Inspection and Right of Access to Premises and Property

Owners and users shall provide reasonable access to duly authorized representatives of the Town to premises and properties, including those under construction, served by the public water system to ascertain compliance with these Water Regulations. Owners or users of the public water system shall allow properly identified Town representatives access to areas in which water service pipes, fire protection/suppressions system supply lines, and all appurtenances are located within the premises to inspect, observe, measure, sample, and test:

- (a) Water use;
- (b) Buildings;
- (c) Water quality;
- (d) Meters;
- (e) Water service pipes and appurtenances;
- (f) Fire pipes;
- (g) Cross connections and backflow prevention devices; and
- (h) Other facilities that the Town reasonably believes may be contributing to a violation of these Water Regulations.

Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the Town reasonably suspects that a violation of these Water Regulations is or may be occurring or an emergency exists that requires immediate action on the part of the Town access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency.

8.2 Right of Access to Easements

Duly authorized representatives of the Town shall be permitted to enter all Town-owned easements for the purpose of inspection, observation, measurement, sampling, testing, maintenance, repair, or reconstruction of any portion of a public water main lying within said easement. Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the Town reasonably suspects that a violation of these Water Regulations is or may be occurring or an emergency exists that requires immediate action on the part of the Town, access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency. All entry and subsequent work, if any, shall be done in full accordance with the terms of said easement.

Where a user has security measures in force that would require clearance before entry to the premises, the user shall make necessary arrangements to permit Town personnel to enter without undue delay for the purpose of carrying out their specific responsibilities.

The Town shall forthwith give written notice by certified mail of its intent to terminate water service where an owner or user having received reasonable notice refuses to permit properly identified Town personnel to enter or have access to premises in accordance with the terms of this section. Notwithstanding any other

course of action available to it, the Town has the right in accordance with applicable Federal and State law to apply for entry to premises served by the public water system for the purposes as set forth in this Section.

8.3 Violations, Penalties, and Enforcement Actions

Whenever, on the basis of any available information ascertained or received by the Town, the Town determines that a person:

- (a) Violated or is violating these Water Regulations;
- (b) Violated or is violating any approval issued pursuant to these Water Regulations;
- (c) Made a false representation in an application, record, or report to the Town or failed to provide relevant information;
- (d) Manipulated, falsified, tampered with, or rendered inaccurate a meter, meter reading device or appurtenance thereto;
- (e) Failed to comply with an order or ruling issued by the Town or a court after having reasonable opportunity to comply;
- (f) Failed to pay a penalty or fee due to the Town; and,
- (g) Caused damage to the Town's water distribution system,

The Town may take any one or more of the following actions, in any sequence or simultaneously:

- (a) The Town may issue a Notice of Non-compliance or an order to cease and desist for any such violation or any actions that cause a violation.
- (b) The Town may require the owner or user to submit a plan for compliance and time schedule setting forth specific plans and actions to be taken and specific dates upon which such actions will be taken in order to comply with these Water Regulations and to prevent or correct a violation. The Town may issue an implementation schedule containing or modifying such specific actions and time schedule, or requiring such other actions within such times as the Town deems appropriate and as allowed by law.
- (c) The Town may issue an order directing the owner or user to pay to the Town penalties and costs in accordance with these Water Regulations and as allowed by law.
- (d) The Town may revoke, modify, deny, suspend or refuse to renew an approval issued under these Water Regulations.
- (e) The Town may take direct enforcement action by filing suit in any court of competent jurisdiction for civil or criminal fines and reimbursement of costs or damages and for collection of costs and/or fees unpaid by the owner resulting from the violation or threatened violation.
- (f) The Town may discontinue or terminate water service as authorized in these Water Regulations.
- (g) The Town may take any other action available to it under any applicable law, statute, or regulation.

8.3.1 Notice of Non-compliance

The purpose of a Notice of Non-compliance is to provide a formal notice of one or more violations and to set a compliance date or require the submission of a compliance plan and schedule. A Notice of Non-compliance shall not be construed as an authorization or approval to violate any law, regulation, or requirement prior to achieving compliance. A Notice of Non-compliance shall identify the violation(s) and shall require the person to comply by a certain date or to submit a written report to the DPW by a certain date that describes the measures the person will take to correct the violation and the date by which such measures will be taken. A Notice of Non-compliance shall also notify a person of the right to request reconsideration of the Notice of Non-compliance.

8.3.2 Cease and Desist Order

The DPW may issue a cease and desist order to require a person to:

- (a) Cease and desist a violation and/or any actions that cause or threaten to cause a violation;
- (b) Submit written reports to the DPW that describe the measures the person will take to correct the violation and the dates by which the measures will be taken;
- (c) Take specific measures to correct or eliminate a violation;
- (d) Follow an implementation schedule that requires specific actions according to a time schedule;
- (e) Follow a schedule of sampling, analysis, and reporting to the DPW; and/or,
- (f) Take any other action authorized by law.

A cease and desist order shall identify the violation(s), shall require the person to comply with these Water Regulations by a certain date, and shall notify the person of their right to request reconsideration of the cease and desist order.

8.3.3 Penalties

- (a) Any person who continues to violate these Water Regulations after notice and/or a cease and desist order; or who knowingly makes false representation in an application, record or report to the Town; or who has falsified, tampered with or knowingly renders inaccurate any meter, monitoring device or method required under these Water Regulations shall be subject to civil monetary penalties established:
 - 1) By applicable Massachusetts law;
 - 2) By applicable rules and regulations of the Department of Environmental Protection; and,
 - 3) By such penalty schedules as may from time to time be adopted by the Town and appended to these Water Regulations.
- (b) For purposes of the computation of penalties, each day of a continuing violation of these Water Regulations shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.

- (c) If the Town elects to file an enforcement action in a court of competent jurisdiction, the damages then recoverable by the Town shall be as allowed under M.G.L. c. 40 § 39G.
- (d) Failure to comply with any portion of these Water Regulations, or with any approval or order issued hereunder, shall be sufficient cause for the Board to levy on and collect from each violator any additional cost for expense, loss, or damage occasioned by such violation, including the cost of remedial or preventive actions and related legal costs taken by the Board and/or the Director pursuant to correcting the violation and all other related costs such as, but not limited to, those described in these Water Regulations.

8.3.4 Approval Action

The DPW may revoke, suspend, modify, deny, or refuse to renew an approval issued under these Water Regulations whenever, on the basis of available information, the DPW finds that the applicant:

- (a) Provided false or misleading information to the DPW, or failed to provide relevant information to the DPW, as part of the approval process;
- (b) Intentionally falsified or misrepresented, rendered inaccurate or tampered with any meter, monitoring device or method used or required by the DPW;
- (c) Manipulated sampling data, testing results, inspection data, or monitoring data to hide actual or potential violations of these Water Regulations;
- (d) Has a history of non-compliance that has not abated after receiving a Notice of Non-compliance, cease and desist order, or penalty from the DPW;
- (e) Has failed to comply with a Notice of Non-compliance, cease and desist order, notification, or ruling issued by the DPW or a court after having a reasonable opportunity to comply;
- (f) Intentionally violated a Notice of Non-compliance, order or ruling issued by the DPW or a court;
- (g) Does not have the ability to comply with DPW requirement within a reasonable period of time;
- (h) Maintains a condition which can reasonably be expected to result in significant harm to health, safety, the environment, the public water system; or,
- (i) Has failed to pay a penalty or fee due the DPW after receiving notice to do so.

An approval action shall be initiated by a notification by certified mail to the applicant that:

- (a) Identifies the basis for the DPW action and the facts and circumstances upon which the DPW relies;
- (b) Indicates whether such action is of limited, indefinite, or permanent duration;
- (c) Informs the applicant of its right to request a conference with the Director to reconsider the approval action and that timely filing of such request will stay the approval action pending the resolution of such request.

An approval action may be taken to prevent further violations, as a means to help insure compliance, as part of a process escalating enforcement to gain compliance, and/or as a deterrent to future violations by the applicant subject to the action.

8.3.5 Termination of Service

Notwithstanding any other provision of these Water Regulations, and as referenced in Section 4.21.3, whenever the DPW finds that a condition presents or reasonably appears to present an imminent endangerment to the health or welfare of persons or to the environment, or threatens to interfere with the operation of the public water system, the DPW may take steps immediately and effectively to halt or prevent such a condition. Steps may include disconnecting the person from the public water system.

8.4 Vandalism

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of Wayland's water facilities. Any person who violates this section will be subject to fines imposed under these Water Regulations, in addition to the repayment of all associated repair costs.

SECTION 9 **ADOPTION**

9.1 Effective Date

These Water Regulations shall be in full force and effect from and after their adoption by the Board of Public Works as the Water Commissioners and publication by the Town as provided in M.G.L. c. 83 .§ 10 and shall be filed with the Town Clerk as required by M.G.L. c. 40 .§ 33.

9.2 History

Adopted and approved by the Board Public Works, Town of Wayland, the.

9.3 Amendments

These Water Regulations may be amended and reissued by the Town as is deemed necessary or appropriate from time to time pursuant to M.G.L. c. 41 §69 (b).