

TOWN OF BILLERICA, MASSACHUSETTS

SANITARY SEWER

RULES AND REGULATIONS

**Approved May 2010
Summary of Costs and Fees approved July 21, 2010**



TOWN OF BILLERICA, MASSACHUSETTS SANITARY SEWER RULES AND REGULATIONS

In accordance with Chapter 83, Section 10 of the General Laws of the Commonwealth, the following rules and regulations have been adopted by the Department of Public Works for obtaining permits to enter the Town sewer system; regulation of the design, construction, and use of public and private sewers; installation and connection of building sewers; discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof.

These rules and regulations will become effective November 1, 2009.

1. The Director of Public Works or his/her designee shall be the designated official for approving applications to tie into or discharge into the Town sewer system.
2. Permit Applications can be obtained from the office of the Department of Public Works or the Wastewater Treatment Facility, properly filled out by the owner or agent, and returned to the same office for processing.
3. Applicants from residential, industrial establishments, commercial business and subdivisions shall submit plans, specifications, waste and flow data to the Superintendent of Wastewater for review. After review, if approved, a certificate for entry into the sewerage system will be forwarded to the Building Commissioner before he/she issues a building permit for construction of a subdivision, industrial building or complex, or the alteration of any large business, industrial building or residence.
4. No occupancy permit shall be issued until such time as the sewer system has been properly inspected and approved, and notice of such approval is forwarded to the Building Commissioner.
5. The Town reserves the right to accept or deny sewer extensions or sewer connection permits or limit discharges based on available capacity in the Town's wastewater facilities.

Approved as to Form

Town Counsel

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TOWN OF BILLERICA, MASSACHUSETTS
RULES AND REGULATIONS FOR THE INSTALLATION
AND CONNECTION OF BUILDING SEWERS AND
FOR THE USE OF PUBLIC SEWERS

ARTICLE I
DEFINITIONS

(Arranged in Alphabetical Order)

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows:

Section 1. "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code (U.S.C.) 1251, et. seq.

Section 2. "Bedroom" shall mean any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area. Such area shall not include kitchen, bathroom, dining room, halls, or unfinished cellar; but may include bedroom, den, study, sewing room, sleeping loft or any other room that meets this criterion.

Section 3. Best Management Practices or BMPs shall mean schedules of activities, prohibitions of practice, maintenance procedures, and other management practices to implement the prohibitions identified in Article IV of these regulations. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Section 4. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter (mg/l).

Section 5. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning ten (10) feet outside the inner face of the building wall.

Section 6. "Building Sewer" or "Sewer Service Connection" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 7. "COD" (denoting Chemical Oxygen Demand) shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure, expressed in terms of milligrams per liter (mg/l).

Section 8. "Combined Sewer" shall mean a sewer receiving both wastewater and stormwater or surface runoff and groundwater.

Section 9. "Commercial Wastewater" shall mean wastewater from commercial establishments such as retail businesses, restaurants, banks and other businesses which discharge only domestic or sanitary wastewater.

Section 10. "Composite Sample" shall mean a sample consisting of a minimum of one grab sample per hour collected during a 24-hour period (or lesser period as specified in the permit; however, a minimum of eight [8] grab samples) combined proportionally to flow, if possible, over that same time period and refrigerated to 4°C at all times prior to analysis.

Section 11. "Cooling Water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other system of heat transfer.

Section 12. "Daily" shall mean every calendar day that there is an industrial discharge to the Town's wastewater collection system.

Section 13. "Daily Maximum Limit" shall mean the highest allowable daily concentration for any Pollutant in a wastestream.

Section 14. "DEP" shall mean the Massachusetts Department of Environmental Protection.

Section 15. "Department of Public Works" or "DPW" shall mean the Town of Billerica Department of Public Works, acting by its Director or other authorized deputy, agent or representative who has been appointed by the Director and approved by the Town Manager.

Section 16. "Director" shall mean the Director of the Billerica Department of Public Works or his/her authorized deputy, agent or representative.

Section 17. "Discharge" or "Discharge Pollutants" shall mean any addition of any pollutant or combination of pollutants to waters of the Commonwealth from any source, including but not limited to, discharges from surface runoff which are collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person, which do not lead to a POTW; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Section 18. "Discharge Measurement" shall mean the determination of the quantity of wastewater flowing per unit of time in the sewer system at a given point by

means of a current meter, rod float, weir, Pitot tube or other measuring device or method.

Section 19. "Division" shall mean the Billerica Department of Public Works, Wastewater Division.

Section 20. "Domestic Waste" shall mean sanitary wastewater that does not contain industrial wastes, infiltration or inflow.

Section 21. "Drain Layer" shall mean any person or contractor constructing, installing or repairing a sewer service connection on private property.

Section 22. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

Section 23. "Effluent" shall mean a discharge of pollutants into the environment, whether treated or not treated.

Section 24. "Effluent Limitation" or "Effluent Limit" shall mean any requirement, restriction, or standard imposed by the Department on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the Commonwealth or to publicly owned treatment works.

Section 25. "EPA" shall mean the United States Environmental Protection Agency.

Section 26. "Federal Act" shall mean the Federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Section 27. "Floating solids" are only those solids that float on top of the liquids, such as oil, grease, fats, etc.

Section 28. "Flow Recorder" shall mean a weir, meter, flume or other device that will measure and record the volume of wastewater discharged.

Section 29. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Section 30. "Grab Sample" shall mean an individual sample collected in a period of less than fifteen (15) minutes and refrigerated at 4°C at all times prior to analysis.

Section 31. "Grease Trap" shall mean a watertight structure located on a building sewer before discharge to the sanitary sewer system in which fats, oils and

grease are separated from other solid and liquid constituents of sewage and accumulated. "Grease trap" can also refer to a plumbing appurtenance or appliance that is installed to intercept fats, oils and grease before discharge to a building sewer.

Section 32. "Grease Interceptor" shall mean an exterior grease trap.

Section 33. "Grease Removal Device/Grease Recovery System" shall mean any grease trap/interceptor that automatically removes fats, oils and grease from the grease trap, the control of which may be automatically or manually initiated.

Section 34. "Hazardous Waste" shall mean a hazardous waste pursuant to the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000.

Section 35. "Hauler" shall mean any person who contracts for the pumping, transport, and disposal of septage and has obtained a license from the Billerica Board of Health.

Section 36. "Improperly Shredded Garbage" shall mean wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce, excluding rubbish and trash, which has particles greater than one-half (1/2) inch or 1.27 centimeters in any dimension so as to prevent the particles from being carried freely under normal flow conditions in the sewer system.

Section 37. "Indirect discharge" shall mean the discharge of pollutants into a POTW from any non-domestic source regulated under section 307 (b), (c) or (d) of the Act.

Section 38. "Industrial User" shall mean a source of indirect discharge to the wastewater collection system.

Section 39. "Industrial Discharge Permit" shall mean a non-transferable written and duly signed document by the Town issued to all Industrial Users (IU) for a period not to exceed five (5) years. This document shall contain, as a minimum, operational parameters, sampling requirements and schedules, discharge limitations and statements of violation penalties.

Section 40. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing process, trade or business, as distinct from sanitary wastewater.

Section 41. "Infiltration" shall mean groundwater entering the sewer system from a water body through such means as defective building drains and sewers, pipes, pipe joints, connections, or manhole walls.

Section 42. "Inflow" shall mean the discharge of water into the sewer system, including service connections, from such sources as, but not limited to, roof drains,

cellar drains, yard drains, area drains, foundation drains, sump pumps, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, surface stormwater runoff, or street wash water.

Section 43. "Interference" shall mean an inhibition or disruption of the wastewater works, its treatment processes or operations, or its sludge processes, use or disposal which is a cause in whole or in part of a violation of any requirement of the wastewater treatment facility's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or to the prevention of sludge use or disposal by the wastewater treatment facility in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act and the Toxic Substance Control Act.

Section 44. "Massachusetts Water Quality Standards" shall mean the Massachusetts Surface Water Quality Standards (314 CMR 4.00) and the Massachusetts Ground Water Quality Standards (314 CMR 6.00).

Section 45. "MGD" shall mean million gallons per day.

Section 46. "mg/l shall mean milligrams per liter.

Section 47. "Maximum Daily Flow" shall mean the highest daily rate of wastewater flow occurring during a single day.

Section 48. "Maximum Daily Loading" shall mean the highest loading allowed in one 24-hour period and shall be calculated by using the data collected during the period in question.

Section 49. "Maximum Weekly Loading" shall mean the highest total loading allowed for any seven consecutive days, and shall be calculated by using the total flow and the average concentration of the pollutant for the period in question.

Section 50. "Measuring Device" shall mean an instrument determining concentration, flow, etc.

Section 51. "Meter" shall mean an instrument for measuring the amount and rate of flow of liquids.

Section 52. "Minimum Daily Flow" shall mean the smallest rate of wastewater flow occurring over a normal day of the industry's operation.

Section 53. "Monitoring Device" shall mean any equipment that specifically measures and/or samples wastewater.

Section 54. "National Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users.

Section 55. "National Pollutant Discharge Elimination System Permit" or "NPDES Permit" shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Section 56. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other body of surface or groundwater.

Section 57. "New Source" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section. A new source shall be construed as any that meet any of the three (3) conditions at 40 CFR 403.3(m) (1-3).

Section 58. "Pass Through" shall mean the discharge of pollutants through the wastewater treatment facility into navigable water in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the wastewater treatment facility's NPDES permit (including an increase in the magnitude or duration of a violation).

Section 59. "Permit" shall mean an authorization issued pursuant to M.G.L. c. § 43 and 314 CMR 2.00 and 3.00, 5.00, or 7.00, to implement the requirements of the State and Federal Acts and regulations adopted thereunder.

Section 60. "Permittee" shall mean any person issued a Sewer Connection Permit under these regulations.

Section 61. "Person" shall mean any individual, firm, company, association, society, corporation or government entity.

Section 62. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Section 63. "Plumbing" shall mean piping falling under the jurisdiction of the Commonwealth of Massachusetts Plumbing Code, generally piping within a building and extending outside the building ten feet from the building wall.

Section 64. "Plumbing Code" shall mean the existing rules and regulations enforced through the Billerica plumbing inspector. Such rules and regulations shall conform to the Commonwealth of Massachusetts Regulations (248 CMR) concerning Fuel Gas and Plumbing Codes.

Section 65. "Pollutant" shall mean any element or property of wastewater, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major non-point source, which is or may be discharged, drained or otherwise introduced into any sewerage system, treatment works or waters of the Commonwealth.

Section 66. "Pollution" shall mean the presence of pollutants in the environment in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

Section 67. "Pretreatment" shall mean the reduction in the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a wastewater treatment facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means acceptable and agreed upon with the Town but not including dilution.

Section 68. "Pretreatment Coordinator" shall mean the individual designated by the Town to oversee the day to day implementation of the Industrial Pretreatment Program.

Section 69. "Pretreatment Facilities" shall mean the structures, equipment and process required to treat wastewater prior to sewer system discharge.

Section 70. "Pretreatment Requirement" shall mean any substantive or procedural pretreatment requirement, other than a National pretreatment standard, applicable to Industrial Users.

Section 71. "Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Clean Water Act, which applies to Industrial Users, including the prohibitions found in 40 CFR 403.5. Pretreatment standards shall include National Categorical Pretreatment Standards, prohibited discharges and local limits.

Section 72. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in

public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Section 73. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Section 74. "Publicly Owned Treatment Works" shall mean a treatment works as defined by Section 212 of the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C. 1292), which is owned in this instance by the Town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this permit, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town of Billerica who are, by contract or agreement with Billerica, users of Billerica's POTW.

Section 75. "Receiving Waters" shall mean any watercourse, river, pond, wetland, ditch, lake, aquifer, ocean, or other body of surface or groundwater receiving discharge of wastewater or effluent.

Section 76. "Regulations" shall mean these sewer rules and regulations.

Section 77. "Sample" shall mean a portion of the wastewater obtained for analytical purposes. This portion may be a single sample (grab) or composite sample.

- a. SAMPLER shall mean a device used with or without flow measurement to obtain an aliquot portion of water or wastewater for analytical purposes; may be designed for taking a single sample (grab), composite sample, continuous sample, or periodic sample.
- b. SAMPLING STATION shall mean a specified site where monitoring takes place on a regular basis.

Section 78. "Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm, surface and groundwater are not intentionally admitted.

Section 79. "Separator" shall mean a device designed and installed to separate deleterious or undesirable matter from normal wastes and to retain such deleterious or undesirable matter while permitting normal wastewater to discharge into the sanitary sewer system by gravity.

Section 80. "Septage" shall mean liquid and solid sanitary wastewater removed from a cesspool, septic tank, chemical toilet, holding tank or similar receptacle.

Section 81. "Service Connection" shall mean the pipe connecting a building's plumbing system to the sewer main that carries sanitary wastewater to the wastewater

treatment facility. A Service Connection may also be called a building sewer, house sewer or house connection.

Section 82. "Sewage" see "Wastewater"

Section 83. "Sewer" shall mean a pipe or conduit for carrying wastewater.

Section 84. "Sewer Connection Permit" shall mean a permit given by the Division to connect to the sewer system.

Section 85. "Sewer Extension" shall mean the addition to a sewer system of a sewer pipe, together with appurtenant works, which when connected to the sewer system becomes the property of, and is operated and maintained by, the person owning the sewer system.

Section 86. "Shall" is mandatory; "May" is permissive.

Section 87. "Significant Industrial User" shall mean any Industrial User discharging to the wastewater collection system that meets any of the following criteria:

- a. The Industrial User is regulated by National Categorical Pretreatment Standards.
- b. The Industrial User discharges an average of twenty-five thousand (25,000) gallons or more per operational day of process wastewater.
- c. The Industrial User has a reasonable potential for upsetting the operational process at the Wastewater Treatment Facility or violating any Pretreatment standard.
- d. The Industrial User discharges a process wastewater stream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the Wastewater Treatment Facility.

Section 88. "Significant Noncompliance" shall mean a Significant Industrial User (or any Industrial User which violates paragraphs c., d., or h. of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

- a. Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- b. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same

pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

- c. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (vi)(B) of 40 CFR 403.8 to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Section 89. "Sludge" shall mean the solid, semi-solid, and liquid residue removed from water, sanitary wastewater, wastewater, or industrial wastes by a treatment process, including removal by a wastewater treatment process or drinking water treatment process.

Section 90. "Slug" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or permit conditions.

Section 91. "Solid waste" shall mean any unwanted or discarded solid material, consisting of putrescible or non-putrescible solid waste material, including garbage and rubbish.

Section 92. "Split Sample" shall mean a portion of a thoroughly mixed grab or composite sample of sufficient volume, in a proper container that is properly preserved for the analysis(es) for which it is intended.

Section 93. "Standard Methods" shall mean an assembly of analytical techniques and descriptions commonly accepted in water and wastewater treatment as found in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Section 94. "State" shall mean the Commonwealth of Massachusetts.

Section 95. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries stormwater and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling waste.

Section 96. "Superintendent" shall mean the Superintendent of Billerica Department of Public Works, Wastewater Division, or his/her or her designees.

Section 97. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are removable by laboratory filtering.

Section 98. "Total Toxic Organic" (TTO) shall be defined as the summation of all quantifiable values greater than 0.001 mg/l for the organic parameters measured by EPA Methods 624, 625 and 608, and all purgeable organics. It is noted that TTO limits are established for certain categorical industries such as those regulated by the Metal Finishing Regulations, Electroplating Regulations, etc., and that the categorical TTO limits are separate and distinct from the TTO limit defined in these regulations.

Section 99. "Town" shall mean the Town of Billerica and all its duly authorized representatives and agents.

Section 100. "Toxic Pollutants" shall mean those pollutants identified in 314 CMR 3.16, or any other pollutants, or combination of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly through food chains, may, on the basis of information available to the Division, cause death, disease, behavioral abnormalities, cancer, mutations, physiological malfunctions, biochemical abnormalities, including malfunctions in reproduction, or physical deformations, in such organisms or their offspring.

Section 101. "Treatment" or "Treat" shall mean a process to which wastewater is subjected in order to remove or alter its objectionable constituents and thus render it less offensive or dangerous.

Section 102. "Treatment System" or "Pretreatment System" shall mean any and all devices, equipment, or works used in the pumping, storing, treating, recycling, and reclaiming of wastewater and/or industrial waste.

Section 103. "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 104. "User" shall mean any person, inside or outside of the Town of Billerica, who contributes, causes or permits the contribution of wastewater into the Town's wastewater treatment works. An industrial user is a user who contributes, causes or permits the contribution of other than sanitary wastewater to the Town's POTW.

Section 105. "Waste" shall mean wastewater and all garbage, refuse, sludge, and discarded material, whether in liquid, solid, or gaseous form.

Section 106. "Wastewater or Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

Section 107. "Wastewater Collection System" shall mean the structures, pipes, and equipment required to collect and carry away wastewater.

Section 108. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Section 109. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "publicly owned treatment works (POTW)" or "wastewater treatment facility (WWTF)" or "water pollution control facility (WPCF)".

Section 110. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 111. "Weekly" shall mean any seven (7) consecutive calendar days.

ARTICLE II
REQUIREMENTS FOR CONNECTING TO
PUBLIC SEWERS

Section 1. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these Rules and Regulations, within one (1) year after date of official notice to do so.

NEW DEVELOPMENTS OR SUBDIVISIONS

Section 2. The developer of any property which is within a reasonable distance from an existing sanitary sewer shall connect the property into the proper public sewer. The cost of sewer connection to the existing sewer shall be borne by the developer. Determination by the Superintendent of what constitutes a reasonable distance shall take account of the size, nature and location of the development.

Section 3. When a developer installs sewers in new streets or right-of-ways in anticipation of the extension of an existing sewer, the cost of installing sewer service connections shall be borne by the developer.

Section 4. The design of any proposed sewer extension must be approved by the Director prior to issuance of permit for construction. Sewer Extensions shall be designed in accordance with New England Interstate Water Pollution Control Commission's "Guides for the Design of Wastewater Treatment Works" (TR-16), latest edition. Wastewater collection system construction must be inspected and approved by authorized agents of the Director, and the cost for engineering inspection of the construction shall be borne by the developer or other sponsoring parties or agencies.

Section 5. Any and all proposed contributions of non-domestic wastewater to the Town's wastewater collection system shall be reviewed prior to any such discharge by the Director and/or the Pretreatment Coordinator who may, at their discretion, confer with the Town's Consultant Engineering Firm.

Connection to the Town's wastewater system shall be subject to the availability of capacity in the system as determined by the Town. The Director may not issue a permit for any connection to Billerica's wastewater facilities unless there is sufficient capacity not legally committed to other users in the sewers and treatment facilities to convey and

adequately treat the quantity of wastewater that the requested connection will add to the system. Connections shall be made in compliance with all Town rules, regulations and specifications and at the permit applicant's expense.

All such proposals shall be submitted in writing and shall include all relevant laboratory data and analysis.

The Town reserves the right to backcharge the applying Industry for all reviews, meetings, consultations, follow-ups and related activities relevant to the resolution and disposition of the proposed discharges. The most current market value, plus overhead, shall be made billable for the services of the Town's Consultant Engineering Firm. The method of payment for these services shall be in the form of a check made payable to the Town of Billerica prior to the introduction of these wastes into the collection system.

ARTICLE III
BUILDING SEWERS AND CONNECTIONS

GENERAL REQUIREMENTS

Section 1. No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof which belongs or discharges to the Town of Billerica's wastewater system, whether within or outside of the Town, without first obtaining a written permit from the Department of Public Works.

Section 2. All costs and expenses incidental to the installation and connection of the building sewer, except where originally installed by the Town, shall be borne by the owner. The owner shall indemnify the Town of Billerica from any loss or damage that may directly or indirectly be occasioned by his/her installation of the building sewer.

Section 3. Sewer service connection charges shall be reviewed periodically by the Selectmen and revised as needed.

Section 4. A separate and independent building sewer shall generally be provided for every building or unit as required.

Section 5. Old building sewers may be used to connect buildings only if they meet all requirements of these Rules and Regulations. Proof of structural integrity may be required.

Section 6. The Property Owner is responsible for the maintaining and repairing of the building sewer from the inside foundation wall to the end of the service connection at the sewer main line.

Section 7. Building sewer connections for new or substantially rehabilitated buildings shall not be made directly to public sewer manholes unless expressly authorized by the Director in writing.

Section 8. All existing or new building sewers connected to plumbing fixtures liable to backflow from the public sewer are installed at the building owner's risk. The Town will not assume any responsibility for back-ups or flooding of fixtures or basements as a result of the installation of these fixtures. Any plumbing fixture located at an elevation lower than the top of the public sewer manhole immediately downstream of the private sewer connection serving the fixture shall be considered to be liable to backflow.

Plumbing fixtures subject to backflow from the public sewer shall have backwater valves installed at the owner's expense. A backwater valve is a device installed in a building drain or building sewer to prevent the discharge from the building, or flows originating

outside the building, from flowing back into the building. Backwater valves shall be installed in accordance with the Uniform State Plumbing Code, 248 CMR, Section 2.09:(4) and DPW requirements. The backwater valve shall be installed and maintained at the owner's expense.

Section 9. Oil traps shall be required on sewers directly or indirectly tributary to the public wastewater system from existing or new garages, service stations, enclosed parking areas, and other establishments capable of discharging petroleum-based oil or grease, flammable wastes, sand, or other harmful substances.

All oil traps shall be of a type, capacity, location and construction approved by the DPW and shall be located so as to be readily accessible for maintenance and inspection. Oil traps shall conform to the regulations of the Uniform State Plumbing Code, 248 CMR 2.00, and all other applicable laws.

Oil traps shall be installed and maintained continuously in satisfactory and effective operation by and at the expense of the owner or user. Both the owner of the premises where an oil trap is required and the owner or operator of the establishment or business conducted on the premises shall be jointly and severally responsible for installing an oil trap and for properly servicing and maintaining the oil trap.

The owner or operator of the establishment or business conducted on the premises where the oil trap is located shall maintain a log describing the date and type of all service and maintenance performed in connection with the oil trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the oil trap on each date, and the method of disposal of the residue. The log entries shall be maintained for six years and shall be made available for inspection and copying by the DPW. The schedule for service and maintenance of an oil trap shall be subject to approval by the DPW.

CONTRACTOR

Section 10. Licenses to install building sewers and make connections to the public sewers will be issued to experienced and competent contractors. Licenses must be renewed for each calendar year. An annual fee will be required as well as proof of insurance. Municipal references will be required of all new applicants. Licenses required are as follows:

Annual Drain Layer License for Pipe Work and Street Opening and Curb Cut Permits

Annual Approved Contractor License for Street Opening and Curb Cut Permits

One time project Drain Layers License for single project only

Section 11. Contractors doing work hereunder shall maintain minimum insurance coverage as follows:

Bodily Injury Coverage	\$250,000
Aggregate Coverage	\$500,000
Property Damage	\$ 50,000
XCU & Perf Coverage Bond	\$500,000

Contractors shall file a current certificate of same with the Department of Public Works.

Section 12. Contractors shall post a bond in the amount of \$10,000 to assure the satisfactory completion of work. The bond shall remain in full effect for a period of one year after satisfactory completion of the most recent work performed by the contractor. The contractor shall make good without cost to the property owner or Town defects in the work or parts of the work furnished or built by him, and any damage due to faulty workmanship on his/her part, or due to faulty or imperfect material or equipment furnished by him, which defects or damage may appear within one year from the date of completion of the work.

Section 13. Violation of the requirements of these Rules and Regulations shall be cause for revocation of license.

CONNECTION PERMITS

Section 14. There shall be two (2) classes of building sewer connection permits: (a) for residential and commercial service; and (b) for service to establishments producing industrial wastes. The owner or his/her agent shall make application on a special form furnished by the Town. The connection permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. Residential applications shall be accompanied by a fee. Commercial applications shall be accompanied by a fee. Industrial applications shall be accompanied by a fee and shall also submit an industrial wastewater discharge permit application accompanied by a separate fee. All fees shall be payable upon issuance of the permit. Drain layers must present a trench permit before obtaining a sewer connection permit.

Residential, Commercial, and Industrial connection permit applications shall also be accompanied by a plant expansion (PE) fee and an infiltration / inflow (I/I) fee calculated per gallon of projected wastewater flow. Projected wastewater shall be calculated using the Massachusetts State Environmental Code (Title 5), 310 CMR 15. These fees shall apply to new construction, additions, and change in use of existing buildings as well as all other changes in flow or wastewater characteristics as may be deemed appropriate by the Director to offset the additional impacts to the wastewater facilities. PE and I/I fees for the addition of bedrooms to an existing residence shall be assessed for the additional bedrooms only. All fees shall be payable upon issuance of the sewer permit. All fees shall be reviewed and revised annually by the Board of Selectmen.

A permit shall be valid only for the use and quantity of flow described in the application. Any change in use of the building or any increase in the quantity of wastewater discharged from the building or any change in the character of the wastewater discharge from the building shall be considered a change of use. The owner or the owner's agent shall make application for a new permit for any change of use and shall pay the appropriate fee.

The DPW may not issue a permit for a connection to Billerica's wastewater facilities unless the connection has been shown to not exacerbate any existing operation and maintenance deficiencies. Deficiencies may include, but are not limited to: pump station O&M, odors and corrosion, conformance with sewer master plan, and collection system efficiency. The DPW may require the permittee to mitigate the effects of the proposed sewer connection/extension as well as mitigate existing system deficiencies.

Section 15. Connection permits for construction of building sewers and for connection to public sewers may be obtained weekdays at the Wastewater Treatment Facility, 70 Letchworth Avenue between the hours of 7:30 a.m. and 3:30 p.m.

Section 16. Connection permits will only be issued to contractors licensed to lay drains in the Town of Billerica. Connection permits are not transferable.

Section 17. Connection permits shall be subject to revocation when any of the Rules and Regulations contained herein are not being followed.

Section 18. If the work under the connection permit is not completed within one year of date issued, renewal of the connection permit must be obtained. A renewal fee equal to the original permit fee shall be payable upon re-application.

Section 19. Connection permits will not be issued until the applicant has filed a layout plan showing the location of existing service connection, house location and route of sewer service, and said layout has been approved by the Director.

Section 20. Connection permits must be obtained for repair work to existing sewer service connections, and a fee for residential repair work and for

commercial/industrial repair work will be charged, payable upon issuance of the permit. The property owner shall be responsible and liable for all repair work and all above requirements shall apply.

Section 21. No connection permit shall be issued, except in cases of emergency, to dig up or make an excavation in a public way until the applicant files with the Department of Public Works copies of the notices to public utility companies as required by General Laws Chapter 82, Section 40.

Section 22. When sewer 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 sewer service to be abandoned and may disconnect the sewer service pipe from the public sewer main at the owner's expense. A building sewer may be terminated upon notice from the property owner.

Section 23. If any building is razed, the owner, at their expense, must disconnect the sewer service from the public sewer main and all work must be done in accordance with these regulations. Prior to demolition of any building or termination of a building sewer, the owner shall cut and cap all building sewers at the connection to the sewer, and have the DPW inspect all building sewers to ensure that they are properly cut and capped prior to backfilling.

MATERIALS AND METHODS OF CONSTRUCTION

Section 24. Pipe and fittings to be used in the work shall either be extra strength, ductile iron pipe or PVC pipe, six (6) inches or more in diameter. Ductile iron pipe shall conform to AWWA C151; thickness Class 53 AWWA C150; double cement lined, AWWA C104; push-on joints (for gravity pipes) or mechanical joints (for pressure pipes) with rubber gaskets, AWWA C111; fittings, AWWA C110 with 250 psi minimum pressure rating. PVC pipe shall conform to ASTM Standards D 1784 and D 3034-SDR 35.

Section 25. In general, sewer services will not be allowed to have more than two (2) angle points, or a total angular deviation of one hundred eighty (180) degrees, unless granted variance by the Department of Public Works. Cleanouts, handholes or manholes shall be installed at one hundred (100) foot intervals as approved by the Superintendent or his/her authorized agent.

Section 26. All services shall be laid in an envelope of washed screen gravel with not less than six (6) inches of said material all around the barrel of the pipe. Maximum stone size shall be three-fourths (3/4) inch.

Section 27. All pipe and fittings shall be laid to a minimum slope of one-fourth (1/4) inch per foot unless otherwise approved by the Department of Public Works.

Section 28. Line and grade of pipe and fittings shall be controlled by the use of transit and rod or by laser.

Section 29. The trenches shall be excavated from the common sewer or from the end of the existing sewer service, whichever is applicable, to the point of connection with the building plumbing outlet. Pipe and fittings laid in trench shall not be backfilled until the work is inspected by the Department of Public Works.

Section 30. Whenever possible, the building sewer should be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain may be lifted by an approved means and discharged to the building sewer. All sanitary waste lines in the building to be served by a proposed sewer connection shall be connected to the building sewer prior to the connection to the sanitary sewer system. Plumbing shall be constructed in accordance with the State Plumbing Code, 248 CMR 2.00.

Section 31. Where practicable, when the common sewer is sufficiently deep, service connections shall be laid directly, without horizontal or vertical deflections from the building drain to the connection at the common sewer.

Section 32. Tunneling will not be allowed unless special permission for same is granted.

Section 33. Connection made to the building plumbing system shall be upstream of any septic tanks or cesspools.

Section 34. Upon connection of the building plumbing system to the common sewers, existing septic tanks and cesspools shall be removed or crushed and completely filled with suitable material, to the satisfaction of the Board of Health.

Section 35. Connections shall not be cut into common sewers without permission.

Section 36. All pipe joint connections shall be watertight. All pipe other than building service connection shall be tested as follows:

- a. Gravity pipe:
 1. Air pressure test-leakage;
 2. Mandrel test for deflection;
 3. Video test for defects and cleanliness.
- b. Pressure Pipe:
 1. Hydrostatic test;
 2. Strength test-100 psi for 10 minutes;
 3. Leakage test-50 psi for 1 hour.
- c. Manholes:
 1. Vacuum test.

Section 37. Installation and/or construction of all low pressure sewer systems shall be at the direction and approval of the Director of Public Works.

Installation and/or construction of low pressure sewer systems shall be in accordance with the Department of Public Works, Specifications for the Construction of Low Pressure Sewer Systems, adopted in November 1992.

WORK IN PUBLIC AND PRIVATE WAYS

Section 38. It shall be the contractor's responsibility to make sure that all excavations and obstructions are adequately barricaded and lighted at all times to protect the public from harm. Trenching and Excavation shall comply with Massachusetts General Laws Chapter 80 Sections 40 through 40D and Chapter 82A Sections 1 through 5.

Section 39. Trenches shall be backfilled and compacted, and the street surface repaired in accordance with requirements of the Department of Public Works.

Section 40. Bulldozers, loaders, trucks, excavators, backhoes and other equipment shall not be operated on or across sidewalks, berms, curbing, etc., until they have been properly protected from damage by planking or other approved means. All damage resulting from the contractors' operations shall be reported to the Director and repaired by the contractor.

Section 41. When making a sewer connection in a State Highway, the necessary permit from the Massachusetts Highway Department must be obtained prior to the issuance of a sewer connection permit by the Town. All work shall then be done in accordance with the requirements set forth in the permit from the Massachusetts Highway Department. Any costs in connection therewith shall be borne by the applicant.

ROCK EXCAVATION

Section 42. When ledge is encountered in the excavations and must be blasted, a permit must be obtained from the Fire Chief for the use of explosives.

Section 43. All blasting shall be done in accordance with the requirements of the Massachusetts Department of Public Safety and such requirements as imposed by the Fire Chief.

Section 44. All blasting must be done by a person licensed by the Department of Public Safety for this purpose and approved by the Billerica Fire Department.

Section 45. Blasting operations shall be conducted only by persons who have posted a \$10,000 bond for a single operation or if the officer granting the permit determines it appropriate, a \$15,000 blanket bond for all blasting operations, with the Treasurer of the Commonwealth of Massachusetts, or who have posted a bond with the Billerica Town Clerk in accordance with Massachusetts General Laws Chapter 148, Section 19.

INSPECTIONS

Section 46. No work shall begin before obtaining a signed permit from the Department of Public works and paying all required fees.

Section 47. A minimum of 24 hours notice is required to schedule an inspection.

Section 48. Inspections will normally be scheduled between the hours of 8 AM and 3 PM, Monday through Friday. Contractors are responsible for requesting an inspection. No inspection will be scheduled until the abandoned septic tank is removed or crushed and filled.

Section 49. The applicant will be charged all costs for inspections made outside normal working hours. Charges will reflect prevailing wage rate of personnel performing the inspection with a four hour minimum charge.

Section 50. Trenches may not be backfilled until they are inspected.

Section 51. Tank Pumping slip must be submitted with as-built drawing record by the contractor at the time of inspection.

Section 52. Residential as-built drawings shall be drawn by the installing contractor clearly showing ties and depth at street connection, house connection and any change in pipe direction.

ARTICLE IV USE OF PUBLIC SEWERS

Section 1. All applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 Code of Federal Regulations (CFR), Part 403) shall be fully incorporated and made enforceable by reference in these Rules and Regulations.

Section 2. Use of the municipal wastewater facilities will be prohibited if in the opinion of the Director such use may result in physical damage to structures or equipment, interference with operation or processing, or unreasonable maintenance attention and expense.

Section 3. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage or uncontaminated cooling water to any sanitary sewer. A NPDES permit shall be required for certain discharges which are not allowed in the sanitary sewer.

Section 4. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Pollutants which create a fire or explosion hazard at the wastewater treatment facility, including, but not limited to, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, or any wastestream with a closed cup flashpoint less than one hundred forty (140) degrees F.
- b. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters or the wastewater treatment facility.
- c. Any waters or wastes having a pH lower than 6.0, or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures or equipment, or injury to personnel of the Department of Public Works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood,

paunch manure, hair and fleshings, entrails, and paper or plastic dishes, cups, milk containers, etc., whether whole or ground by garbage grinders.

- e. Any liquid or vapor having a temperature higher than 150°F (65°C) at the point of discharge, or higher than 104°F (40°C) at the introduction into the treatment plant, or any wastewater that will increase the temperature of the wastewater treatment facility's influent to exceed 104°F (40°C).
- f. Non-biodegradable cutting oils, materials of mineral oil origin or petroleum oil in amounts that will cause interference or pass through.
- g. Any trucked or hauled wastes discharged at a non-approved discharge point. This shall include wastes from recreational vehicles, campers, trailers and mobile homes.
- h. Any waters or wastes which exceed the limits established by the Department of Public Works, the State or the National Categorical Pretreatment Standards.
- i. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration that will cause interference at the wastewater treatment facility.
- j. Any waters or wastes designated as prohibited discharges in the General Pretreatment Regulations (40 CFR, Section 403.5).
- k. Any septage wastes from cesspools, privies, tight tanks, septic tanks, distribution boxes, or holding tanks.
- l. Any other materials or substances that will cause pass through or interference at the wastewater treatment facility.

Section 5. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Department of Public Works that such wastes can harm either the sewers, wastewater treatment process or equipment; pass through the wastewater treatment facility or interfere with the operation or performance of the works; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance.

Any user of the wastewater collection system, permitted or otherwise, shall notify the Director of Public Works of any increased flow and/or flow with different characteristics

to the wastewater system. Such notification must occur prior to the introduction of such wastes.

In forming an opinion as to the acceptability of these wastes, if not specifically addressed by the Town's most recent Local Limits, and will not create interference or pass through, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment facility, degree of treatability of the wastes in the wastewater treatment facility and other pertinent factors. The substances include:

- a. Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C).
- b. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Department of Public Works.
- c. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- d. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Department of Public Works as necessary, after treatment of composite wastewater, to meet the requirements of the State, Federal or other public agencies having jurisdiction over such discharge to the receiving waters.
- e. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Department of Public Works in compliance with applicable State and/or Federal regulations.
- f. Materials which exert or cause:
 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues), or of dissolved solids (such as, but not limited to, sodium chloride and sodium thiosulfate).
 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand or chlorination requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- g. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 6. In accordance with the 40 CFR 403.5(c), the following Local Limits have been established by the Town and have been approved by the United States Environmental Protection Agency. These limits, as listed below, will be periodically reviewed and may, based upon sufficient technical criteria, be revised. These limits, as listed below, shall not be exceeded under any circumstances.

<u>Parameter</u>	<u>Concentration</u> (mg/l)	<u>Parameter</u>	<u>Concentration</u> (mg/l)
Arsenic	0.43	Cadmium	0.10
Total Chromium	4.70	Copper	0.42
Lead	0.32	Mercury	0.001
Molybdenum	0.16	Nickel	3.90
Silver	0.22	Zinc	1.50
Total Cyanide	0.70	Chloroform	0.41
Methylene Chloride	2.06	Toluene	1.36
Trichloroethylene	0.71	1,1,1 Trichloroethane	1.55
Oil & Grease	100.0	pH (standard units)	6-9
Total Toxic Organics (TTO)*	5.0		

- * Industrial users may also be subject to a TTO limitation established by the National Categorical Pretreatment Standards for a particular industrial subcategory, which differs from the above limitation in terms of its numerical value and the individual organics comprising TTO. Where there is both a categorical and a local limitation for TTO, the more restrictive limitation shall govern, depending on the summation of the individual organics comprising TTO. The above local limits also include limitations for specific organics that comprise a portion of the TTO local limitation (methylene chloride, trichloroethylene, chloroform and 1,1,1 trichlorethane). Industrial users shall not exceed the limitations for these specific organics, the TTO local limitation of 5.0 mg/l, or the TTO categorical limitation established for particular industrial subcategories.

Section 7. The Town reserves the right to establish by regulation additional or more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary.

Section 8. In accordance with the National Categorical Pretreatment Standards, located at 40 CFR Chapter I, Subpart N, Parts 405-471, all Industrial Users in a particular industrial subcategory are subject to any additional limitations established by the National Categorical Pretreatment Standards for that subcategory which are not imposed under these Rules and Regulations. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations for sources in that subcategory, shall, within the time frame established by E.P.A., generally three (3) years following the promulgation of the National Categorical Pretreatment Standards, supersede the limitations imposed under these Rules and Regulations. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

Section 9. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the Town or State.

Section 10. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sections 4 and/or 5 of this Article, and which in the judgment of the Department of Public Works may have a deleterious effect upon the wastewater works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Department of Public Works may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge, when such controls shall bring the discharge into compliance with applicable standards.

Section 11. If the Department of Public Works permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and subject to the requirements of all applicable codes, by-laws and laws.

Section 12. The Town may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or to the environment, causes interference to the wastewater treatment facility or causes the Town to violate any condition of its NPDES permit.

Section 13. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment facility or endangerment to any individuals. The Town shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Town within three (3) days of the date of occurrence.

Section 14. Any user is subject to having his/her permit revoked if he/she violates the following conditions of these Rules and Regulations, or applicable State and Federal regulations:

- a. Failure of a user to factually report the wastewater constituents and characteristics of his/her discharge;
- b. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- c. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- d. Violation of conditions of the wastewater discharge permit.

Section 15. Users shall inform their employees of the existence of these Regulations, and if applicable, of the permittee's Wastewater Discharge Permit. At least one copy of these Regulations and the Permit shall be permanently and conspicuously posted by each such user. Such user shall also permanently post a notice identifying the employee who has been designated as the individual responsible for compliance with, and who should be notified of any violation of, these Regulations or a permit. Every such user shall provide a copy of its Sewer Use Discharge Permit to each employee working in its pretreatment operations.

Section 16. For discharges that may contain Fats, Oil, and Grease (FOG), grease traps shall be provided when, in the opinion of the Department of Public Works or the Board of Health, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such grease traps shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Department of Public Works, and shall be located so as to be readily and easily accessible for cleaning and inspection. All outside grease traps must obtain an annual grease discharge permit. The charge for this annual permit is \$100.

- a. No User shall allow wastewater discharge to the sewer line leaving the property to exceed 100 milligrams per liter of FOG.
- b. Grease Traps shall be required at all restaurants, nursing homes, hospitals, schools or food service establishments and other facilities from which grease can be expected to be discharged, as required by the Board of Health. Nonconforming systems must be compliant with these regulations within three hundred sixty-five (365) days after the effective date of these Rules and Regulations.
- c. The discharge from the grease trap/interceptor must flow to a properly designed manhole prior to connection to the sanitary sewer system.
- d. The Department of Public Works and/or the Board of Health may require that alarms and/or remote monitoring devices be installed and connected to grease traps/interceptors.
- e. All Grease Traps shall:
 1. Be of a type, design, and capacity specified by the Massachusetts State Environmental Code, Title 5, 310 CMR 15 (inclusive), Water Pollution Control Regulations, 314CMR12.08 or any other applicable Federal, State, County, or Local Laws, By-Laws, and Rules and

Regulations, or as otherwise approved by the Board of Health.

2. Be exterior type and readily and easily accessible for User cleaning and Town inspection.
3. Access manholes shall be provided over each grease trap inlet and outlet and sanitary tee. The access manhole shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manhole shall also have readily removable manhole type access to facilitate inspection, grease removal, and wastewater sampling activities.
4. Be installed on a separate building sewer serving kitchen flows/food service operations into which the grease will be discharged. No sanitary facilities shall be connected to the grease trap.
5. Be manually inspected every two weeks by the owner/operator or an inspector approved by the Board of Health.

f. Operation and Maintenance Requirements:

1. In the maintaining of all such Grease Traps, the owner(s) shall be responsible for regular inspection and cleaning. Inspections shall be conducted on a bi-weekly (two week) basis. Grease Traps shall be cleaned by a septage/offensive substances hauler licensed by the Board of Health whenever the level of grease is 25% of the effective depth of the trap or at least every three (3) months, whichever is sooner. Pumping frequency is a function of use. Increased use demands increased maintenance.
2. Waste grease and oil shall not be discharged to the sanitary sewer. All waste grease and oil must be collected in an appropriate container provided by a Town approved vendor and stored in a location approved by the town on the premise. The container must be stored on an impervious surface. Containers must be capable of being sealed or be stored in a sheltered area to prevent entry of precipitation and vermin. The removal, transport and disposal of fats, oils and grease shall be performed by a septage/offensive substances hauler licensed by the Board of Health.

3. The User shall maintain a written record, using forms developed by the Town, of grease trap inspection and maintenance for no less than three years and such records must be available for inspection by the Town at all times. These written records shall also include documentation of the proper removal and disposal of fats, oils and grease. Upon request by a Town Official, an owner or operator shall furnish these records.
4. Users who are required to install Grease Traps are expected to employ best management practices in food preparation and cleanup. These best management practices shall assure that fats, oils, and greases are not directly discharged to the building drain. For example; waste food or trimmings including fats, oils, and greases shall not be discharged to the building drain through a garbage grinder, oil from deep fat frying shall not be discharged to the building sewer, etc.
5. Garbage grinders are prohibited in food service establishments.

g. Violations:

The following violations relating to grease trap maintenance have such serious consequences that no warning will be given prior to the first offense.

1. Failure to pump at 25% capacity.
2. Discharge of grease into the sewer in excess of 100 mg/l. The Owner shall be liable for the fine plus the cost of all associated damages for each Offense.
3. Should there be an indication, through either physical inspection or monitoring results, that grease is entering the sewer system in excess of 100 mg/l, testing will be required of the grease interceptor effluent at the owner's expense.
4. Failure to pay any fine within thirty (30) days.

Section 17. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

Section 18. When required by the Director of Public Works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a

suitable control manhole together with such necessary meters and other appurtenances in the building sewer as to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Department of Public Works. The manhole shall be installed and maintained by the owner so as to be safe and accessible at all times.

Section 19. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in the Rules and Regulations shall be determined in accordance with procedures established by the U.S. Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto, or with any other test procedures approved by the Administrator, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out in accordance with techniques approved by the Department of Public Works to reflect the effect of constituents upon the wastewater works, to determine the existence of hazards to life, limb and property and to determine compliance with local, State and National Pretreatment Standards.

Section 20. All sampling of Industrial Discharges shall be undertaken by a laboratory certified by the Commonwealth of Massachusetts to perform the designated analysis. The cost of any and all such sampling shall be the sole responsibility of the user. The Town reserves the right to backcharge any user for sampling required under the provisions of its NPDES permit. This shall include the mandated periodic sampling of Significant Industrial Users.

Section 21. The Pretreatment Coordinator shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Pretreatment Coordinator may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Pretreatment Coordinator may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the requirements set forth in 40 CFR 403.8(f) (2) (vi).

Significant Industrial Users are required to notify the Pretreatment Coordinator immediately of any changes at its facility affecting the potential for a Slug Discharge.

In accordance with 40 CFR 403.12(f), any person who causes any discharge that could cause problems, including slug discharges and/or accidental discharges/spills shall:

- a. Immediately notify the Pretreatment Coordinator and/or the Wastewater Treatment Facility.
- b. Submit a written notice of the incident to the Wastewater Treatment Facility within five (5) days of the incident.

Section 22. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

Section 23. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- a. Except as indicated in b. and c. below, the User must collect wastewater samples using 24-hour flow-proportioned composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Pretreatment Coordinator, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits
- b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- c. For sampling required in support of baseline monitoring and 90-day compliance reports [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil

and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Pretreatment Coordinator may authorize a lower minimum. For the Periodic Compliance reports, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment Standards and Requirements.

Section 24. Any person connected to the Town's wastewater collection system shall be in compliance with the Hazardous Waste Regulations as referenced in 40 CFR 403.12(p).

Section 25. No statement contained in this article shall be constructed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to an agreed arrangement for payment by the industrial concern to the Town, provided that such agreements do not contravene requirements of existing Federal and State laws and regulations.

ARTICLE V
WASTEWATER DISCHARGE PERMITS-Industrial

Section 1. All users discharging other than domestic waste, and proposing to connect to or to contribute to the wastewater treatment facility shall obtain a wastewater discharge permit before connecting to or contributing to the wastewater treatment facility. All existing significant users connected to or contributing to the wastewater treatment facility shall obtain a wastewater discharge permit within one hundred eighty (180) days after the effective date of these Rules and Regulations.

Section 2. Users required to obtain a wastewater discharge permit shall complete and file with the Town an application in the form prescribed by the Town, and accompanied by a fee payable upon issuance of the permit. This fee is in addition to the industrial sewer connection permit fee. This fee shall be reviewed annually by the Selectmen and revised as needed. Existing users shall apply for a wastewater discharge permit within thirty (30) days after the effective date of these Rules and Regulations, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the wastewater treatment facility. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address and location of facility;
- b. Standard Industrial Classification number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
- c. Wastewater constituents and characteristics, including but not limited to those mentioned in Article IV, Section 4, 5 and 6 of these Rules and Regulations, as determined by a certified analytical laboratory; sampling and analysis shall be performed as detailed at 40 CFR 403.12(b)(5) and shall be analyzed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended. If this is to serve as a baseline report, all provisions of 40 CFR 403.12(b)(4-6) shall be properly and completely addressed;
- d. Time and duration of contribution;
- e. Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State, or National Pretreatment Standards, and a statement reviewed by an authorized representative of the Industrial User and certified by a qualified professional, indicating whether or not the Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- i. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.). None of these increments of progress shall exceed nine (9) months.
 - 2. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the

reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent;

- j. Each product produced by type, amount, process or processes and rate or production;
- k. Type and amount of raw materials processed (average and maximum per day);
- l. Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- m. All appropriate MSDS sheets or those requested by the Pretreatment Coordinator;
- n. An in-depth Accidental Discharge Plan to be approved by the Pretreatment Coordinator;
- o. A listing of all environmental permits held by the applicant;
- p. A listing of all personnel associated with the Industrial User's Pretreatment Facility including the grade level of certification obtained by each individual. The Industrial User shall be required to comply with the certification requirements of all regulatory agencies; and
- q. Any other information as may be deemed by the Town to be necessary to evaluate the permit application.

The Town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a wastewater discharge permit subject to terms and conditions provided herein.

Section 3. Within ninety (90) days of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standard.

Section 4. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Town. Permits shall contain the following:

- a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- b. Limits on the average and maximum wastewater constituents and characteristics;
- c. Limits on average and maximum rate and time of discharge, or requirements for flow regulation and equalization;
- d. Requirements for installation and maintenance of inspection and sampling facilities;
- e. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- f. Compliance schedules;
- g. Requirements for submission of technical reports or discharge reports;
- h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town, and affording the Town access thereto;
- i. Requirements for notification of the Town of any new introduction of wastewater constituents, or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- j. Requirements for notification of all discharges that could cause problems including slug discharges and/or accidental discharges/spills:
 - 1. Immediate notification to the Pretreatment Coordinator or the Wastewater Treatment Facility; and
 - 2. Written notification of incident, submitted within five (5) days of the incident;
- k. Requirements for the development of a slug control plan as stated in 40 CFR 403.8(f) (2) (vi), if determined by the Pretreatment Coordinator to be necessary;

- I. Requirements for the re-sampling of any parameter found to be in violation of the User's Discharge Permit. If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator within twenty-four hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator within thirty 30 days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the Town performs sampling at the User's facility at least once a month, or if the Town performs sampling at the Users between the time when the initial sampling was conducted and the time when the User or the Pretreatment Coordinator receives the results of this sampling, or if the Pretreatment Coordinator has performed the sampling and analysis in lieu of the Industrial User. In the latter case, the Pretreatment Coordinator shall be responsible for re-sampling within thirty (30) days of the violation;
- m. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- n. Requirements for the User to comply with the hazardous waste requirements as referenced in 40 CFR 403.12(p); and
- o. Other conditions as deemed appropriate by the Town to ensure compliance with these Rules and Regulations.

Section 5. Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the terms of the permit as limitations or requirements as identified in Sections 1 through 5 of Article IV are modified, or other just cause exists. The user shall be informed of any proposed changes in his/her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, not to exceed applicable federal deadlines for National Categorical Pretreatment Standards.

Section 6. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Director.

Section 7. Under the provisions of 40 CFR 403.12(b)(6), the Town shall require that the Industrial User secure proper certification of its pretreatment facility with all appropriate regulatory agencies. It shall be the responsibility of the User to secure and maintain an adequate number of certified personnel to remain in compliance with regulatory agency staffing level requirements.

Section 8. In accordance with the requirements of 40 CFR 403.12(o), Industrial Users must keep records of monitoring activities for not less than three (3) years. Users subject to Pretreatment requirements shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records involved in cases of unresolved litigation can not be destroyed until final resolution of litigation is achieved. It is strongly recommended by the Town that monitoring records be maintained for a minimum of ten (10) years regardless of any incidental circumstances.

Section 9. In accordance with the requirements of 40 CFR 403.12(l), all baseline monitoring reports, compliance schedule reports and periodic reports must be signed by an appropriate official and include the certification statement included in 40 CFR 403.6(a)(2)(ii).

Section 10. Industrial Users shall be subject to the following additional costs or fees as described hereinafter.

a. Connection Costs - The entire cost of connecting a user's wastewater pretreatment facilities to the Billerica wastewater collection system shall be paid by the user.

b. If the user wishes to expand its facility or increase its average daily flow it must secure any and all appropriate DEP permits, and must obtain prior permission for such facility expansion or flow increase from the Director. The Town will assess the user an impact fee for additional flow if any of the following occur:

1. The additional flow is from a process that will change the user's EPA categorical status;
2. The additional flow is from a process that will change the user's Significant Industrial User (SIU) status; or
3. The additional average daily flow is in excess of one hundred (100) gallons per day.

A user required to pay an impact fee shall pay the most current PE and I/I fee approved by the Town of Billerica Board of Selectmen. The current fee is set forth in Appendix A of these regulations. This is a "one-time" fee that the Board of Selectmen may revise annually. The user shall pay the impact fee prior to the introduction of any additional flows into the Town sewer unless the Director of Public Works approves other arrangements.

c. Sampling to determine the volume and characteristics of the user's wastewater shall be conducted by the user and/or the Town's personnel. The resulting data, after review by the Town, shall be used in conjunction with the Town's records of the user's water consumption to compute the charges. All costs associated with monitoring, sampling and analysis, whether performed by the user or the Town's personnel, shall be the sole responsibility of the user. The Town also reserves the right to backcharge the user for all costs incurred for monitoring, sampling and analysis. The Town is currently sampling the user on an annual basis, as mandated by its National Pollutant Discharge Elimination System permit. This sampling frequency is a minimum requirement, and may be increased at any time.

d. For billing purposes, the annual charges to the user shall be the greater of either the most current Town billing rates, or the rates established in accordance with the most recent federally approved method of industrial billing. In the event that the Town billing rate is utilized, the Town will issue a separate billing for excess BOD₅ on an annual basis. If a separate billing is required, the basis for it shall be the most current federally approved method of industrial billing.

e. Industrial Discharge Permit Fee Structure - The fee structure for Industrial Discharge Permits is contained in Appendix A. Fees shall be composed of a base permit fee plus charges based on points as explained below:

Less than 100 Gallons per Day	0
Less than 1,000 Gallons per Day	1
Less than 10,000 Gallons per Day	2
Over 10,000 Gallons per Day	3
Notice of Violation (Within 3 Years)	1/Notice
Fines Issued (Within 5 Years)	2/Fine
Permit Modifications (Requested by Permitted Industry)	
First Revision	0
Each Additional Revision	1/Revision
Permit Modifications (Required by EPA/DEP)	0

Point Value (Added to Base Permit Renewal Fee)	
3 or less	0
4	+\$200
5	+\$600
6	+\$1000
Each Additional Point	+\$800

Section 11. The DPW may revoke, suspend, modify, deny, or refuse to renew a permit issued under these regulations whenever, on the basis of available information, the DPW finds that the permittee:

- a. Provided false or misleading information to the DPW, or failed to provide relevant information to the DPW, as part of the permitting 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, inspecting, or other monitoring to hide actual or potential violations of these regulations;
- d. Has a history of noncompliance that has not abated after receiving a notice of noncompliance, order, or penalty from the DPW;
- e. Has failed to comply with a notice of non-compliance, order, 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.

A permit action shall be initiated by a notice to the permittee 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; and
- c) Informs the permittee of its right to request reconsideration of the permit action and that timely filing of such request will stay the permit action pending the resolution of such request.

A permit action may be taken to prevent further violations, as a means to help ensure compliance, as part of a process escalating enforcement to gain compliance, and/or as a deterrent to future violations by the permittee subject to the action.

ARTICLE VI
REPORTING REQUIREMENTS FOR
WASTEWATER DISCHARGE PERMITEES

Section 1. Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the wastewater treatment works, any user subject to National Categorical Pretreatment Standards shall submit to the Superintendent, the information detailed in Article V, Section 2.a, c, d, e, and h, to fulfill the requirements of 40 CFR 403.12(d). This report shall indicate the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements, and the average maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements.

Section 2. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the wastewater treatment works, shall submit to the Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and daily flows for the reporting period including a record of all daily flows which during the reporting period which exceeded the average daily flow reported in Section 4, Article V. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

Section 3. Any existing user subject to a National Categorical Pretreatment Standard shall submit a wastewater discharge permit application, as described in Section 2 of this Article, within one hundred and eighty (180) days after the promulgation of the applicable standards, in order to fulfill the requirements of the Baseline Monitoring Report [40 CFR 403.12(b)]. Any new user subject to a National Categorical Pretreatment Standard shall submit a wastewater discharge permit application, as described in Section 2 of this Article, at least ninety (90) days prior to discharging to the Town, in order to fulfill the requirements of the Baseline Monitoring Report [40 CFR 403.12(b)].

Section 4. The Director may impose mass limitations on users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by Section 2 of this Article shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow, nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analyses shall be performed in accordance with procedures established by the EPA Regional Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Director.

ARTICLE VII ANNUAL CHARGES FOR USE OF SEWER SYSTEM

Section 1. Wastewater rates and related fees charged by the Town for discharge to the Town's waste water system and payable by the customer shall be determined by the Board of Selectmen. These rates and fees shall be reviewed annually at the first Selectmen's meeting in March by the Board of Selectmen with recommendations by the Director of Public Works.

ARTICLE VIII
PROTECTION FROM DAMAGE

Section 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater works. Any person violating this provision shall be subject to immediate arrest and prosecution under the charge of malicious destruction to property, Chapter 266, Section 127 of the General Laws of the Commonwealth, or any other law, ordinance or by-law that may be applicable.

ARTICLE IX
POWERS AND AUTHORITY OF INSPECTORS

Section 1. Duly authorized employees of the Town or their representatives, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, testing and examination and copying of records pertaining to their discharges, in accordance with the provisions of these Rules and Regulations. The Town, State and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Any person entering a user's property for the purpose stated in this section shall comply with the confidentiality requirements set forth on 40 CFR 403.14 in order to protect the user's interests.

Section 2. While performing the necessary work on private properties referred to in Section 1 of this Article, the duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article IV, Section 16.

ARTICLE X CONFIDENTIAL INFORMATION

Section 1. Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the user claims that the information is confidential and submits it in accordance with the requirements of Section 403.14 of the General Pretreatment Regulations. If a claim is asserted, all information will be treated in accordance with 40 CFR Part 2. However, effluent data shall be available to the public without restriction.

Section 2. Governmental agencies must be allowed immediate access to confidential information upon request. Governmental agencies shall be subject to the requirements of 40 CFR 2.

Section 3. In accordance with the provisions of 40 CFR 403.8 (f) (2) (vii), the Town of Billerica shall publish annually a list of all Industrial Users who, during the preceding twelve month period, met the definition of significant noncompliance as defined in Article I of these regulations.

ARTICLE XI PENALTIES

Section 1. The Town of Billerica may seek injunctive relief for noncompliance with Pretreatment Standards and Requirements. Any person violating any provision of these Rules and Regulations may be punished by the maximum monetary amount permitted under the existing laws of the Commonwealth of Massachusetts. The current maximum monetary amount has been established at the rate of five thousand dollars (\$5,000.00) per violation per day. Each day of a continued violation shall constitute a separate violation.

Section 2. Monetary penalties shall be issued from the office of the Director of Public Works. Civil penalties, when applicable, will be issued under the provisions of Massachusetts General Law.

Section 3. The minimum monetary penalty for any violation of the Town of Billerica Sewer Use Rules and Regulations shall be five hundred dollars (\$500.00).

Section 4. Payment for monetary penalties issued by the Director shall be due within thirty (30) days by check, drawn payable to the Town of Billerica.

Section 5. In addition to or in lieu of the assessed monetary penalties referenced in Sections 1 and 3 of this Article, the Town of Billerica may elect to assess cost recovery measures upon any establishment or individual violating

the most current Sewer Use Rules and Regulations. Cost recovery measures may also be imposed upon any establishment or individual directly responsible for damage to and/or interference with the Town's wastewater works.

Cost recovery measures may include, but shall not be limited to personnel costs, police details and repair and/or replacement costs. Said costs shall be documented by the Wastewater Division and approved by the Director of Public Works.

ARTICLE XII VALIDITY

Section 1. All prior Rules and Regulations or parts of prior Rules and Regulations in conflict herewith are hereby repealed.

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

Approved as to Form

Town Counsel