

RULES AND REGULATION
APPROVED SEPTEMBER 19, 2012
Revised November 27, 2013

SECTION 1 - INTRODUCTION

1.1 GENERAL PROVISIONS.

Authority. Under the authority of Chapter 37 of the 2010 Acts and Resolves of the Commonwealth of Massachusetts, "An Act Relative to a Wastewater Management district in the Town of Harvard" (hereinafter the "Act") and M.G.L. c. 83, as applicable, the Harvard Wastewater Management District Commission (hereinafter the "Commission") has adopted the following regulations governing the use of public and private sewers in the Harvard Wastewater Management District.

Purpose. These Regulations are intended to protect the public health, safety and welfare and the environment and to ensure proper and safe operation of the Town's sanitary sewers by regulating the direct and indirect discharge of wastewater, stormwater, and pollutants to the Town's Wastewater Management System.

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

Applicable Regulations. Every user of the Town's Wastewater Management System shall be subject to any charges, rates, fees, and assessments that are or may be established by the Commission. Every user of the Town's Wastewater Management System shall also be subject to applicable federal, state, and local regulations. In instances where various regulations contain different requirements, the most stringent requirements apply.

Right to Amend Regulations. The Commission reserves the right to amend these Regulations in any manner and to establish more stringent limitations or requirements as are deemed necessary or appropriate.

1.2 DEFINITIONS

As used in these Regulations, the following words shall have, unless the context clearly requires otherwise, the following meanings:-

Abandonment: The discontinued use of a septic system in accordance with Title 5, including but not limited to the pumping, filling and disconnecting of the septic tank.

Board of Health: The Board of Health of the Town of Harvard.

Building Drain: That part of a property's wastewater plumbing which is located inside the building beginning at the interior face of the building wall.

Building Sewer: That part of a property's wastewater plumbing beginning at the interior face of the building wall and ending at the connection to the public wastewater management system and includes any pump, grinder pump, or accessory equipment required to connect to the wastewater management system.

Costs: All costs and expenses of the planning, design, acquisition, construction, installation, reconstruction, alteration, extension, improvement or enlargement of the Wastewater Management System including, without limitation, costs of labor, materials, professional services, consulting services, equipment, grinder and ejector pumps, supplies, machinery, structures, all rights in real and personal property, costs of demolitions or relocations, costs of removal or relocations of public utilities, financing charges and expenses and debt service costs relative to the Wastewater Management System.
Direct Discharge: The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Massachusetts, including groundwater.

DEP – The Massachusetts Department of Environmental Protection.

DEP Permit: The letter dated May 26, 2011 from Robert A. Kimball, Massachusetts Department of Environmental Protection to Timothy P. Bragan, Harvard Town Administrator regarding Harvard – BRP WP 68 - #X236132 314 CMR 12.03(1) – Modification GW #723 – WWTF Upgrade Approval, as it may be amended.

District: The Harvard Wastewater Management Service Area.

DPW: The Town's Department of Public Works.

Exterior Water Use: Water used by a property owner to water lawns and gardens, or for other uses outside of the dwelling, provided that the water does not enter the Wastewater Management System.

Facility: A facility as defined in 310 CMR 15.002 as of May 1, 2009.

Garbage: The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

Grinder Pump: The part of the Building Sewer that grinds the solids into small pieces and provides a pressurized discharge. The manufacturer and specifications of the Grinder Pump will be determined by the Commission.

Harvard Wastewater Management Service Area: That portion of the Town of Harvard shown on a plan entitled "Proposed Sewer Service Plan, Town of Harvard, Mass. prepared for Town of Harvard", dated 11/19/2008 and revised on 3/30/2009 prepared by Norfolk Ram in Association with Weston & Sampson and filed in the office of the Town Clerk of the Town of Harvard or as such service area may be modified by majority vote of the Town at a Town Meeting, upon the recommendation of the commission.

Hazardous Waste: Substances and materials including, without limitation, those described in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 et seq.; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6901 et seq.; any applicable state or local laws; and the regulations adopted under these acts.

Infiltration: Water, other than wastewater, that enters the Wastewater Management System (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the Wastewater Management System or drain.

Inflow: Water, other than wastewater, that enters the Wastewater Management System (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Owner: The person, persons or legal entity holding record title to real property.

Revenues: All rates, fees, charges, rents, proceeds of loans, grant funds, insurance proceeds, investment earnings and other receipts derived from the operation of the Wastewater Management System.

Roof Drain: A drain installed to receive water collecting on the surface of a roof for disposal.

Septage: All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also sludge from small sewage treatment plants.

Septic System: A subsurface sewage disposal system as defined by and regulated by Title 5.

Slug: A substantial deviation from normal rates of discharge or constituent concentration sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal user operations, shall constitute a slug.

Stormwater: Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

Title 5: Title 5 of the Massachusetts State Environmental Code, 310 CMR 15.000.

Town: The Town of Harvard.

Wastewater: Greywater and blackwater from domestic, municipal and other governmental and institutional uses; provided, however, that wastewater shall not include industrial waste as defined in 310 CMR 15.002.

Wastewater Management System: The wastewater collection, conveyance, treatment and disposal systems serving more than one facility to be constructed or to be in the possession of and under the jurisdiction and control of the commission, including all components thereof.

1.3 OPERATION OF THE SYSTEM

The Commission will manage, maintain, and operate the Wastewater Management System on behalf of the Town which will own the main trunks of the Wastewater Management System, the leach field, the treatment facility, and all equipment required to operate same. The Building Sewer and the Building Drain will be maintained by the owner of the property on which they are located.

The Commission will manage, maintain and operate the Wastewater Management System so as to maintain this valuable asset for the benefit of the Town and the users of the System.

1.4 HARVARD WASTEWATER MANAGEMENT SERVICE AREA

The Wastewater Management System will serve properties within the Harvard Wastewater Management Service Area (hereafter referred to as the "District") shown as "Proposed Low Pressure Sewer System, Preliminary Service Area, Prepared by the Town Center Sewer Action Group, January 2009" on the map distributed and voted on at the Annual Town Meeting on May 2, 2009. A copy of this map is attached in the Appendix. Any change in the boundaries of this map requires a vote at town meeting. Any property that lies within the District will be subject to a betterment assessment, except for properties owned by the Town.

1.5 LIMITATION ON DISCHARGE FROM THE SYSTEM

The Wastewater Management System must at all times be operated in accordance with the DEP Permit and any amendments thereto (the "Permit"). The Permit currently provides that all connections to the Wastewater Management System must cease when the discharge from the Wastewater Management System reaches 20,000 gallons per day. To avoid the serious consequences imposed by DEP if the Wastewater Management System's discharge should reach 20,000 per day, if daily discharge from the Wastewater Management System reaches 19,000 gallons per day there will be a moratorium on new connections or changes in use until the Commission determines that further connections can proceed without detriment to the Wastewater Management System or risk of exceeding the discharge limit established by DEP.

1.6 REQUIREMENT OF CONNECTION TO THE SYSTEM

Any property within the District served by a septic system which is in a state of failure at the time the Wastewater Management System becomes complete and operational, as determined by the Harvard Board of Health (hereinafter "BOH") or the Massachusetts Department of Environmental Protection (hereinafter "DEP") shall be connected to the Wastewater Management System within sixty (60) days after the owner of the property receives written notice from the Commission that the Wastewater Management System is complete and operational.

Provided that the discharge from the Wastewater Management System has not reached 19,000 gallons per day, any property within the District served by a septic system which is determined to be in a state of failure, by the BOH or DEP at some time after the Wastewater Management System become operational, shall be connected to the Wastewater Management System within six (6) months after the owner receives notice from the BOH, DEP or the Commission that the owner's septic system is in a state of failure.

1.7 RIGHT TO CONNECT TO THE SYSTEM

Provided that the discharge from the Wastewater Management System has not reached 19,000 gallons per day, the properties within the District will be permitted to connect to the Wastewater Management System to serve the use of those properties as of May 1, 2009. The use of all properties in the District as of May 1, 2009, including whether a property is commercial, institutional, single family or multifamily, its net square footage and number of bedrooms and kitchens, is set forth on the List attached hereto as Appendix A. The information contained on this list will be controlling. All landowners of the District have had a chance to review and object to the List prior to the adoption of these Regulations.

1.8 GROWTH NEUTRALITY CLAUSE

The Commission will not permit the connection of (1) a new use or building not in the District as of May 1, 2009; (2) a property that has been reconstructed after May 1, 2009, resulting in an increase in net floor area or in the number of bedrooms; (3) a property that has undergone a change in use since May 1, 2009 that creates an increase in the Title 5 design flow of the property or which increases the net square footage of a building by more than five (5%) per cent (all hereinafter referred to as a "Change in Use") unless:

A. The Commission determines that the new or changed facility could have been constructed with a wastewater disposal system or septic system which could comply with Title 5 or other applicable regulations of the DEP; or

B. If the increase in design flow could not have been permitted in the absence of a connection to the Wastewater Management System, the Commission determines that such connection is:

- (a) necessary for the health, welfare or safety of the Town; or
- (b) creates a demonstrable benefit to the town.

Upon application by the Property Owner, the Commission determination to allow connection must be approved by the Board of Selectmen.

Any property owner seeking to connect a property for which there has been a change in area or use, must submit a written application to the Commission. The application shall include:

1. (a) Evidence satisfactory to the Commission demonstrating that the proposed facility could have been constructed with a septic system or (b) Evidence supporting a determination that the connection is necessary or beneficial to the Town; and
2. Evidence of the Title 5 design flow and actual design flow both before and after the proposed Change in Use.

1.9 PRIVILEGE FEE IN THE EVENT OF CHANGE OF USE

In the event the Commission grants a permit for connection of a property which has had a change in Use, that Property shall be subject to a privilege fee charge which will equal the Betterment Charge the Property would have been subject to at the time the Wastewater Management System was constructed had the Changed Use existed at the time of the Wastewater Management System construction, less any betterment charge actually assessed against the Property.

1.10. SEWER USAGE RATES AND BILLS

Sewer rates for private property users shall be calculated at a rate equal to the proportionate share of the operating and maintenance costs divided by projected Wastewater Management System capacity in gallons. The portion of the expenses allocated to unused capacity will be born by the Town.

Sewer service shall be billed based on water usage. All sewer connections shall have a metered water supply. For properties connected to the Town's water system, the present meter, tested at the behest of the Commission for accuracy, shall be used. For those properties using private wells, the wells shall have a meter installed, at the property owner's expense, and subject to inspection and approval by the Town's Water Department.

All claims for adjustments shall be made in writing to the Commission within ninety (90) days of receipt of the bill.

1.11 EXTERIOR WATER USE

A property owner may elect to meter his or her exterior water use by installing a meter at the property owner's expense. The meter installation must be inspected and approved by the Town's Water Department. Such documented exterior water use shall be excluded from the calculations to compute usage to the septic system.

SECTION 2. SEWER ACCESS PERMIT AND SEWER CONNECTION CONSTRUCTION PERMIT

Any applications or permits required by these Regulations are in addition to applications and permits that may be required by other federal, state and local laws or regulations. The following applications and permits are required by these Regulations and issued by the Commission as they apply:

2.1 REQUIREMENT FOR SEWER ACCESS PERMIT

Any person or entity that seeks to:

1. Perform subsurface work within 18" of the low pressure sewer line or:
2. Perform maintenance on or repair any portion of the low pressure sewer line or its appendages, public or private or:
3. Make any initial connection or reconnection of any building to the low pressure sewer line or:
4. Initiate any building reconstruction which shall result in any extensions of or changes to building plumbing or any projected increase in flow to an existing sewer connection:

That person or entity shall first apply for and obtain a Sewer Access Permit from the Sewer Commission and pay the appropriate fee.

2.2 APPLICATION FOR SEWER ACCESS PERMIT

An owner making application for any purpose will be required to submit to the Sewer Commission those plans other required permits, specifications and other information as may be requested.

The application shall include the following information: 1) the readiness of the property for connection; 2) the location of the property within the District; 3) the name of the licensed drain layer, licensed electrician and licensed plumber in charge of performing the work; 4) any change of use or floor area since May 2009, and 5) such other information as the Commission may reasonably require.

The Commission may impose penalties for substantial misstatements on the Application for a Sewer Access Permit.

2.3 FEES FOR SEWER ACCESS PERMIT

An Inspection Fee and a Connection Fee shall accompany any application for reconstruction or reconnection. The Sewer Commission shall not approve a Sewer Access Permit for initial connection unless the applicant provides a receipt demonstrating proof of payment of the appropriate inspection and connection fees.

Property owners seeking to reconnect a building which has been disconnected for violations of these regulations shall pay a reconnection fee equal to the first year connection fee. This fee will be in addition to any other fees, damages or charges levied by any other regulating authority.

2.4 SEWER CONNECTION CONSTRUCTION PERMIT

A Property Owner seeking to connect to the system pursuant to an approved Sewer Access Permit, or to maintain or repair any existing connection to the System, shall apply to the Commission for a permit to begin construction.

2.5 APPLICATION PROCESS

The Commission may elect to combine the applications for a Sewer Access Permit and the application for a Sewer Connection Construction Permit for the convenience of the property owners.

2.6 EXPIRATION OF PERMIT

The Sewer Access Permit is valid for 150 calendar days following the date of approval. Construction completed within a (90) day period after the grant of the Permit shall be deemed complete in the connection year in which the connection

fee was paid. In the event that construction is not completed (a) during the connection year in which the connection fee was paid, and (b) within 90 days of the grant of the permit, any additional fee due for the succeeding connection year must be paid by the property owner.

Any Sewer Access Permit which expires without the commencement of construction shall be considered lapsed and invalid and the property owner must reapply for all permits. If the lapse of the Sewer Access Permit occurs in a succeeding connection year (2 or 3), the reapplication shall be considered to take place in that following year and subject to the appropriate connection fee.

Construction in progress at the lapse of the Sewer Access Permit must cease pending approval of an extension. Extension requests shall be made in person to the Sewer Commission by the property owner and the supervising contractor as expeditiously as possible and with prior notice if it appears the work will extend beyond the permit expiration date.

Construction abandoned at the lapse of a Sewer Access Permit cannot resume until the reapplication is complete. Additional fees due, if any, as a result of the change in connection date, must be paid at the time of reapplication.

2.7 INSPECTIONS

All Connections must be inspected and approved by the Commission or its Agents. Inspections will include the entire system including the interior plumbing and electrical work. This inspection is in addition to inspections of the Town's Electrical Inspector and Plumbing Inspector.

SECTION 3. DRAINLAYERS

3.1. No person shall lay or repair any building sewer, or make any connection to any Wastewater Management System unless such person is duly licensed by the Town to perform such work.

3.2 Licenses to perform such work as a drainlayer will be issued only to experienced and competent contractors who must make application therefor on a form which may be obtained from the Commission. Licenses must be renewed annually on or before January first of each year. The fee for each such license will be set by the Commission.

3.3. Every applicant who has been issued a license by the DPW shall submit a bond in the form approved by the DPW in the amount of \$5,000.00 for the faithful performance of such work as the applicant may perform as a drainlayer. In addition, the applicant must submit a Certificate of Insurance in the sum of \$200,000 / \$500,000 Broad Form General Public Liability including coverage for premises operations, independent contractors, as well as damage from explosion, by collapse of structures, and to underground pipes, utilities and structures and \$200,000 / \$500,000 Property Damage Liability. Both the bond and Certificates of Insurance shall name the Town of Harvard as a named insured. In addition, a Certificate of Insurance of Workmen's Compensation coverage shall be filed. All of the above Certificates and bond shall remain in full force and effect for the period of the license granted hereunder and must be renewed and new Certificates provided to the DPW upon renewal of the drainlayers license. Said insurance shall provide that it shall save, defend and indemnify the Commissioners and the Town against any and all claims, liability, loss, expense, action or damage incurred by the Town, including reasonable attorney's fees, arising out of, as a result of or in any way connected with the performance of the work of the licensee, and for or by reason of any acts or omissions of said licensee in the performance of its work. The drainlayer shall comply with any and all applicable Town, State, and Federal codes, rules and regulations.

3.4 No licensed drainlayer shall allow its name to be used by any other person, either for the purpose of obtaining permits, or doing any work under its license.

3.5. Any drainlayers license granted pursuant hereto shall be subject to immediate revocation or suspension upon determination by the DPW of unsatisfactory performance or violation of any law, statute, code or of these regulations.

3.6. Any drainlayer licensed hereunder shall save, defend, indemnify and hold harmless the members of the Commission and the Town against any and all claims, liability, loss, expense, action or damage incurred by the Town, including reasonable attorney's fees, arising out of, as a result of or in any way connected with the performance of the work of the licensee, and for or by reason of any acts or omission of said licensee in the performance of its work.

3.7 Violation of the requirements of these Rules and Regulations shall be cause for revocation of the drainlayer license.

SECTION 4. CONSTRUCTION OF SEWER CONNECTIONS

4.1 GENERAL REQUIREMENTS

4.1.1 All costs and expenses incident to the construction and connection of any building sewer or other private sewers shall be borne by the property owner. The property owner shall save, defend, hold harmless and indemnify the Town of Harvard, its agents, servants and employees, from and against any loss or damage that may directly or indirectly be occasioned by the installation and connection of any building sewer or other private sewer by any property owner.

4.1.2 In new construction, the building sewer shall be brought to the building at an elevation below the basement floor whenever possible. In all buildings in which any building drain is too low to permit gravity flow to the Wastewater Management System, sanitary sewage carried by such building drain may be lifted by such means as are approved by the Commission and discharged to the building sewer.

4.1.3 Old building sewers and other private sewers may be used in connection with new buildings or in connection with new Wastewater Management System connection, in whole or in part, only when they are found after examination and test, the results of which are acceptable to the Commission, to meet all requirements of these regulations.

4.1.4. The connection of the building sewer into the Wastewater Management System shall conform to all applicable building and plumbing codes and regulations, and shall be gastight and watertight. Any deviation from prescribed procedures and materials must be approved in advance in writing by the Commission. All cost and expense incident to the construction and connection to the building sewer shall be borne by the property owner. Rubber or PVC transition couplings should conform to ANSI/ASTM D3212-76, "Joints for drain and sewer plastic pipes using flexible elastomeric seals."

4.2 MATERIALS

4.2.1. All pipe and fittings to be used in service connections shall be either PVC pipe or cast iron soil pipe, six (6) inches or less in diameter. PVC (Polyvinylchloride), shall be SDR35 in conformance with ASTM D-3034, latest revision. PVC sewer pipe shall be green in color for in ground identification.

4.2.2 All pipe and fittings shall be homogeneous throughout and free from visible cracks, holes, foreign inclusion and other injurious defects. All pipe shall be as uniform as commercially practical in color, opacity, density, and other physical properties.

4.2.3 Joints shall be bell and spigot for PVC and cast iron; the bell consisting of an integral wall section with a solid cross section rubber ring securely locked in place to prevent displacement. Joints shall conform to ASTM standard D3212.

4.2.4. All fittings and accessories shall be compatible with the pipe as approved by the Commission. Where angular offsets are required, they shall be constructed using long radius sweeps unless otherwise approved by the Commission. All fittings shall meet or exceed the requirements of the PVC sewer pipe as required by these Regulations.

4.2.5 PVC pipe shall pass the impact resistance test in accordance with ASTM D2444, and minimum pipe stiffness test at 5% deflection in accordance with ASTM D2412.

4.2.6. All pipe shall be clean and free of dirt before laying, and the open end shall be kept covered and be free of dirt during construction.

4.2.7. Each pipe shall be held firmly in position by carefully and thoroughly tamping backfill material around the barrel of the pipe.

4.2.8. Where new pipes are to join existing structures, extreme care shall be taken in breaking into the structures; and tight connection shall be made without interrupting service.

4.2.9. Building sewers shall not have more than two angle points or a total angular deviation of more than 180 degrees unless approved by the Commission. Approved cleanouts shall be installed at each angle point. Cleanouts must be installed at 200 feet.

4.2.10. Ends of completed pipes and branches shall be sealed with tight fittings and stoppers (plugs).

4.2.11. Walking on or working over pipes after they are laid shall not be permitted until the pipes are covered with earth to a depth of not less than 12 inches above the crown.

4.2.12. Trenches shall be no less than 18 inches wider than the outside dimensions of the pipes or structures they are to contain.

4.2.13. All building sewers shall be laid in an envelope of washed screened gravel with not less than six inches of said material surrounding the pipe. Maximum stone size shall be $\frac{3}{4}$ inch.

4.2.14. All building sewers shall be laid to a minimum slope of $\frac{1}{4}$ inch per foot unless otherwise approved by the Commission.

4.2.15. Pipe and fittings laid in a trench shall not be backfilled until the work has been inspected and approved by the Commission.

4.2.16. Upon connection of the building plumbing system to the Wastewater Management System, existing septic tanks and cesspools shall be pumped and completely filled with suitable material and bank gravel as required by Title 5, and Evidence of compliance with this provision shall be submitted to the Commission as the Commission may require.

4.2.16.1 The red warning light which accompanies each grinder pump unit must be installed not less than 18" from an auxiliary grinder pump emergency power supply outlet located. This must be on an easily accessible side of the structure served by the pump. The grinder pump control panel should be installed on the outdoor side of the structure served. Wherever it is located the panel must remain easily observable and offer unimpeded access. The red warning light and the emergency power supply outlet must be easily visible from the street where the property sewer connection is located.

4.2.17. Drainlayers shall be responsible to repair, remedy or replace all defects in material and workmanship in any sewer installation or repair for a period of one-year following completion of the sewer service installation or repair.

4.3 DESIGN AND CONSTRUCTION

4.3.1. DESIGN AND CONSTRUCTION STANDARDS.

New building sewers, grease traps, oil traps, particle separators, and other appurtenances shall be designed and constructed in conformance with current Commission standards and specifications. In the absence of such specifications or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials, the Water Environment Federation Manual of Practice No. 9, Design and Construction of Urban Storm water Management Systems and Gravity Sanitary Sewer Design and Construction, New England Interstate Water Pollution Control Commission Guides for the Design of Wastewater Treatment Works, Title 5 the Uniform State Plumbing Code, 248 CMR 2.00 shall apply.

4.3.2. CONSTRUCTION IN EASEMENTS.

Excavation in, or construction of any building or structure in an easement held by the Town is prohibited without prior written authorization from the Town.

4.3.3. BONDING REQUIREMENTS.

The Commission shall have the right to require that any person proposing to construct, repair or modify a building drain, building sewer, sewer, grease trap, oil trap, and other wastewater facility tributary to the Wastewater Management System post a bond in a form satisfactory to the Commission and in an amount and for a period of time that the Commission deems sufficient to guarantee construction quality and operating performance. Said bond to be as determined by the Commission and as set forth in the schedule of fees attached hereto.

4.3.4. RIGHT TO INSPECT DURING CONNECTION.

The Commission shall have the right to inspect building drains, building sewers, interior plumbing and electrical systems, grease traps, oil traps, particle separators and other facilities tributary to the Town's Wastewater Management System, at any reasonable time while such construction is underway. The owner shall notify the Commission when such

facility is installed and ready for final inspection and before the facility is connected to the Town's Wastewater Management System. Connection to the Town's Wastewater Management System shall be made in the presence of the Commission's inspector. No facility shall be covered over until approval has been given by the Commission's inspector. The cost for final inspection by the Commission shall be borne by the owner of the facilities installed.

4.3.5. INFLOW AND INFILTRATION.

Every newly constructed, replaced or extended building sewer that discharges into the Town's Wastewater Management System shall be designed, constructed and maintained so as to eliminate all inflow and infiltration into the Town's sanitary sewer Wastewater Management System. The Commission shall require an owner to determine and eliminate the source of any infiltration or inflow to an existing building sewer at the owner's expense and may impose penalties on the owner as set forth in Section 11 of these regulations.

4.3.6. DISTANCE FROM WATER SERVICES. Building sewer connections shall be laid out so that they are (a) at least 18 inches below a new or existing water line or, if the sewer and water lines are side by side, there must be at least 10 feet between the trench of the water line and the trench of the sewer line, unless expressly authorized by the Commission and permitted by law.

4.3.7. EROSION AND SEDIMENTATION CONTROL

Every person seeking to construct, repair, or modify a building sewer, or a connection to the Town's Wastewater Management System may be required by the Commission to prepare and implement an Erosion and Sedimentation Control Plan to prevent the introduction of sediments into the Town's Wastewater Management System. The design of any facilities required pursuant to this section shall be subject to the approval of the Commission and the design, installation and maintenance of such facilities shall be at the facility owner's expense. The Commission shall have the right to inspect such facilities in accordance with these Regulations.

4.3.8. TERMINATION OF SERVICE.

Every person seeking to demolish an existing building with a connection to the Wastewater Management System shall submit a written notification from the Town Building Commissioner to the Commission. Prior to demolition of any building, the owner shall cut and cap all building sewers at the connection to the sewer, and have the Commission inspect all building sewers to ensure that they are properly cut and capped prior to backfilling.

4.3.9. EXPENSES BORN BY THE OWNER.

All costs and expenses incidental to the application form, design, construction, installation, connection, repair, and maintenance of a building sewer, special facilities, particle separators, grease traps, oil traps, or other wastewater facilities shall be borne by the owner. By a written instrument approved by the Commission, the owner shall indemnify and hold the Town harmless from, and shall reimburse the Town for any loss or damage directly or indirectly occasioned by the installation of any building sewer,, special facility, particle separator, grease trap, oil trap or other wastewater facility.

4.3.10. METHODS.

(a) The slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe jointing, testing and back filling the trench shall conform to the requirements of the Commission and the building and plumbing code or other applicable rules and regulations of the Town. In the absence or code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of the American Society of Testing Materials (ASTM), the Water Environment Federation (WEF) formerly Water Pollution Control Federation (WPCF) Manual of Practice No. 7 "Operation and Maintenance of Wastewater collection systems," WPCF Manual of Practice No. FD 5 and the American Society of Civil Engineers (ASCE) Manuals and Reports in Engineering Practice No. 60 "gravity Sanitary Sewer Design and Construction" and WPCF Manual of Practice No. FII 4 "Design of Wastewater and Storm water Pumping Stations" shall apply.

(b) The connection of the building sewer to the Wastewater Management System shall conform to the requirements of the Commission and the building and plumbing code and other applicable rules and regulations of the Town, or to procedures set forth in appropriate specifications of the ASTM, the WPCF Manual of Practice No. 7, the WPCF Manual of practice No. FD 5 and the ASCE Manuals and Reports - on Engineering Practice No. 6 and WPCF Manual of Practice No. FD 4 if no applicable local standard has been adopted.

(c) Tunneling will not be allowed unless special permission for same is granted.

(d) All connections shall be gastight and watertight.

(e) Installation and use of any grinder pump unit shall require the express approval of the Commission and be installed and operated at the owners expense and maintained by the owner so as to be safe and accessible. Any proposed deviation from the prescribed procedures and materials must be approved by the Commission or its agents before installation. Non- approved materials or installations will be required to be removed at the expense of the applicant.

(f) The applicant for the buildings' Sewer Access Permit shall notify the Commission or its agents when the building sewer is ready for inspection, testing, and connection to the Wastewater Management System. The connection and testing shall be made under the supervision of the Commission or its agent and no backfilling is allowed until all appropriate inspections are made. If the pipe trench is backfilled before required inspection occurs, then the pipe shall be re-exposed for inspection. The holder of any permit violating any provision of these Regulations shall incur the penalty as stipulated in these regulations.

(g) Each property, parcel or building lot within the Wastewater Management District will have one stub for connection to the Wastewater Management System, regardless of the number or type of uses on the property or the betterment fee paid by the property owner.

4.3.12. WORK IN PUBLIC AND PRIVATE WAYS

(a) All excavations and obstructions shall be adequately barricaded and lighted at all times to protect the public from harm. When making a sewer connection in a Town way, the necessary permits from the Town must be obtained prior to the issuance of a sewer connection permit. All work shall be done in accordance with the requirements set forth in the permit issued by the Town. Any cost in connection therewith shall be borne by the applicant.

(b) When making a sewer connection in a state highway, the necessary permits from the Massachusetts Department of Transportation, Highway Division ("MassDOT") must be obtained prior to the issuance of a DPW construction permit. All work shall be done in accordance with the requirements set forth in the permit issued by the MassDOT. Any cost in connection therewith shall be borne by the applicant. Trenches shall be backfilled from the washed gravel to within 14 inches of the road surface with selected materials from the excavation. Gravel borrow shall then be placed flush with the existing surface and the entire trench within the right-of-way, and shall then be compacted by Jetting with jet pipes at least 5 feet in length. Where jetting is not feasible, compaction shall occur in 12 inch lifts. Settled portions shall be tilled with additional gravel borrow as required to accommodate the temporary bituminous patch if required.

(c) The temporary bituminous patch in all public ways and paved private ways shall be maintained by the contractor for a period of 12 months, when he shall remove the temporary patch and place a permanent patch of Type I bituminous concrete in two layers to a total depth of 2 ½ inches. The edges of the patch shall be sealed with approved bitumen. All patchwork shall be rolled and spread in accordance with the best practices. Failure in the temporary patch shall be restored within 8 hours of notification to do so. The permit holder shall restore the permanent road surface within 14 days following notification to do so. Failing to comply, the Board shall have the work accomplished, and the permit holder, shall be liable for all debts incurred.

(d) Power shovels, bulldozers, loaders, trucks, and other equipment shall not be operated across sidewalks, berms, curbs, etc., until they have been properly protected from damage by planking or other approved means. All damage resulting from the permit holders operations shall be repaired by them.

4.3.13. ROCK EXCAVATION

No blasting is permitted within the Wastewater Management District.

4.4 INSPECTIONS

4.4.1 Requests for inspection of sewer service connections to be installed shall be made before 4:00 P.M. on the day preceding the installation.

4.4.2. Inspections will be made only during the normal working hours.

4.4.3. The fee for the sewer permit includes a specified number of inspection. Additional visits made necessary by unacceptable work or because job is not ready for inspection when scheduled, will be billed to the drainlayer. Such additional expense must be paid at the time request for inspection is made.

4.4.4 All licensed drain layers are required to give a full written report to the Commission within 24 hours if, in the course of performing their work, the drain layer finds:

- (a) prohibited substance in a building drain, building sewer or plumbing that would allow discharges of such substances into the Wastewater Management System, or
- (b) interconnections or illegal connections, or
- (c) a defect or deterioration of the building sewer.

Failure to provide such reports may lead to license suspension or in the case of repeated violations, to license revocation.

4.4.5 Drainlayers applying for a license to install, repair or replace a grinder pump may be required to attend an installation training session conducted by the grinder pump manufacturer and scheduled by the Commission.

SECTION 5. USE OF SEWERS

5.1 DIRECT DISCHARGE

It shall be unlawful to discharge directly to any natural outlet within the Wastewater District or in any area under the jurisdiction of said District any wastewater or other polluted water without the applicable local, state, and federal discharge permits.

5.2 SPECIAL FACILITIES

When required by the Commission a user shall design, construct, install, operate and maintain special facilities which will provide for the regulation and control of the rate, volume and characteristics of wastewater discharged to the Town's wastewater Wastewater Management System. The design of such special facilities shall be subject to the approval of the Commission. Such special facilities shall be designed, constructed, operated and maintained at the owner's expense. The Commission shall have the right to inspect such special facilities to ascertain compliance with these Regulations.

5.3 OWNERSHIP OF BUILDING SEWERS

Building sewers, whether located on public or private property, are owned by the owner of the premises served. In the case where more than one premise is connected to the same building sewer the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair of the building sewer.

5.4 MAINTENANCE OF BUILDING SEWERS

The owner of a building sewer shall at all times keep such sewers and drains clean and in good repair in order not to cause infiltration, exfiltration or inflow, depletion of groundwater, damage to property, odor, or harm to the Town's sewers.

5.5 REPAIRS AND UPGRADES OF BUILDING SEWERS

The owner shall maintain, repair, upgrade, modify, or replace an existing building sewer whenever it is determined by the Commission that such sewers or drains may endanger public health, create a public nuisance, result in public or private property damage, harm the Town's Wastewater Management System, result in infiltration, exfiltration or inflow or impair water quality or the environment and in such other circumstances as the Commission deems appropriate. The landowner is solely responsible for maintaining and repairing the building sewer from the inside of the foundation wall to the Wastewater Management System.

SECTION 6. BUILDING SEWERS, CONNECTIONS AND APPURTENANCES

6.1 GENERAL

All costs and expenses incidental to the installation of the building sewer and connection of the building sewer to the Wastewater Management System shall be borne by the owner(s). By written instrument approved by the Commission, the owner(s) shall indemnify and hold the Town harmless from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

6.2 WASTEWATER - STORMWATER SEPARATION

The plumbing of any existing or new building shall be so constructed as to keep all stormwater, surface water, groundwater, roof and surface runoff, subsurface drainage, cooling water, and industrial process water, non-contact cooling water, and non-contact industrial process water separate from sanitary sewage and industrial wastes, and from the building sewer.

The building drain conveying wastewater from plumbing fixtures within the building shall discharge to a building sewer, while the building drain conveying stormwater and other drainage shall discharge to a building storm drain.

Connection of a building sewer to a storm drain is strictly prohibited.

6.3 CONNECTIONS FROM INDIVIDUAL WASTEWATER DISPOSAL SYSTEMS

Connection of an individual wastewater disposal system, whether directly or indirectly, to the Wastewater Management System is prohibited.

6.4 DYE TESTING OF CONNECTIONS

The Commission may request that the connection be dye tested by the Commission, or by the owner or the owner's designee in the presence of a Commission inspector, to establish that the building sewer is properly connected to the Town's wastewater Wastewater Management System. The Commission may conduct dye testing of an existing building sewer to establish that it is properly connected to the Town's wastewater Wastewater Management System. The Commission may require the owner forthwith to eliminate a connection from a building sewer to a storm drain (also referred to as an illegal connection) at the owner's expense. The Commission may also require the owner forthwith to eliminate a connection from a building storm drain to a sanitary sewer at the owner's expense.

6.5 BACKWATER VALVES

All existing or new building drains from plumbing fixtures liable to backflow from the Wastewater Management System shall be required to have backwater valves installed at the owner's expense. Any plumbing fixture located at an elevation below the top of the manhole on the Commission sewer serving the fixture shall be considered to be liable to backflow. Backwater valves shall be installed in accordance with the Uniform State Plumbing Code, 248 CMR, Section 2.09:(4) and the Commission's Requirements for Site Plans.

6.6 CLEANOUTS

Where a new building is to be constructed which is set back from the property line, or where a building sewer is required to be angled more than 45 degrees, the Commission shall require the owner to install a cleanout on the portion of the building sewer on the owner's property at the property line.

6.7 GREASE TRAPS

6.7.1 Grease traps shall be required on sewers which discharge directly or indirectly to the Town's Wastewater Management System and into which significant amounts of animal or vegetable fat, oil or grease may be discharged so that a discharge concentration does not exceed 100 milligrams per liter. Such devices shall not normally be required for private dwelling units.

6.7.2 The Owner is responsible for the installation of a grease trap is one is required to achieve the standard set forth in Section 6.7.1. If the Owner has not installed a Grease Trap when one is required by these regulations, the Commission may impose penalties in accordance with Section 11 of these regulations. All grease traps shall be of a type, capacity, location and construction approved by the Commission and shall be located so as to be readily accessible for maintenance and inspection.

6.7.3 Installation of a dedicated building drain and an in-line grease trap shall be required to serve all fixtures from which fat, oil or grease may be discharged whenever there is sufficient space and adequate plumbing to incorporate the appropriate facilities as determined by the Commission. Point of use grease traps may be required instead of or in addition to, an in-line grease trap for discharges from dish washer rinse sinks, pot sinks, floor sinks and drains,

automatic hood washes, soup and tilt kettles, wok drains, and any other fixture which may introduce fat, oil or grease to the Wastewater Management System as determined by the Commission.

6.7.4 Where grease traps are required, they shall be installed, inspected at least once each month, and maintained continuously in satisfactory and effective operation and in accordance with the Commission's Guidelines for the Installation, Operation and Maintenance of Grease Traps, the requirements of the Uniform State Plumbing Code, and the State Environmental Code, Title 5, all by and at the expense of the owner and user. Both the owner of the premises where a grease 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 a grease trap acceptable to the Commission and for properly servicing and maintaining the grease trap. The Commission shall have the right to inspect such facilities in accordance with these Regulations.

6.7.5 The owner or operator of the establishment or business conducted on the premises where the grease trap is located shall maintain a log provided by the Commission which describes the date and type of all inspections and cleaning of the grease trap, service and maintenance performed in connection with the grease trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the grease trap on each date, and the method of disposal of the residue. The log shall be made available to the Commission upon request for inspection and copying.

6.7.6 Unless otherwise required by a schedule established by the Commission, owners or operators shall clean grease traps once a month or whenever one quarter of the liquid depth of the trap consists of grease or oil, whichever occurs first. Grease traps shall be cleaned by physically removing accumulated grease, scum, oil or other floating substances and solids.

6.7.7 Chemical, biological, or physical means (including flushing with water) shall not be used to release fats, wax, oil or grease into the sewer, bypass the trap, or otherwise make the trap operate less effectively. Subject to the Commission's prior written approval, a chemical or biological agent may be added to convert the fats, wax, oil, and grease in a trap to a substance not prohibited by these Regulations, if the resulting discharge from the trap will not cause or contribute to an obstruction or blockage in the sewer or otherwise violate these regulations. Unless so converted, the fats, wax, oil, and grease contents of a grease trap shall not be discharged to the Wastewater Management System.

6.7.8 If the Commission determines there is insufficient space available to install a grease trap, or the facility's plumbing cannot accommodate a grease trap, or if the Commission determines that an existing or proposed grease trap installation, despite being designed according to the Commission's Guideline for the Installation, Operation and Maintenance of Grease Traps, cannot meet the discharge concentration limitation of 100 milligrams per liter, the Commission may require the owner to implement other measures to ensure compliance with the discharge limitation. Required measures may include but are not limited to, modifying the type, capacity, location and construction of the grease trap, adding a Commission approved chemical or biological agent to convert the fats, wax, oil, and grease to a substance not prohibited by these Regulations, more frequent cleaning of the grease trap, and physical containment and removal of fats, wax, oil and grease for disposal offsite.

SECTION 7. SEWER EXTENSIONS

7.1 GENERAL

Any person may propose an extension, replacement or relocation of a part of the Wastewater Management System. Every person who proposes to extend, replace or relocate a part of the system shall prepare and submit for review and approval by the Commission a construction plan, supplemented by such other permits, plans, specifications, and information the Commission deems necessary to determine whether to approve the request. Extension, replacement or relocation of a part of the Wastewater Management System shall not commence without the Commission's prior written approval. Every extension, replacement or relocation of a part of the system shall be designed and constructed in accordance with the Commission's design requirements, specifications and standard details. Any tests, studies, investigations and inspections required for design and construction shall be conducted in accordance with the Commission's requirements. All expenses incurred pursuant to the extension, replacement or relocation of a Commission sewer including but not limited to application, engineering, legal, permitting, construction and inspection costs, shall be borne by the applicant. These Regulations shall accordingly be construed to conform with such DEP or other sewer extension regulations as they now exist or may be amended.

7.2 BONDING REQUIREMENTS FOR SEWER EXTENTIONS

Before extending, replacing or relocating a part of the Wastewater Management System, the contractor shall be approved in writing by the Commission and post a bond with the Commission in an amount and form as determined by the Commissioner and as set forth in the schedule of fees attached hereto.

7.3 COMMISSION DENIAL OR MODIFICATION OF A PROPOSAL

The Commission may deny a request to extend, replace or relocate a part of the Wastewater Management System, if the Commission determines that the proposed construction is incompatible with the Town's Wastewater Management System, the Commission's design requirements, or these Regulations. The Commission may condition its approval of a request to extend, replace or relocate a part of the Wastewater Management System. Such conditions may include, but are not limited to, the requirement to install a pipe larger than the size required to serve the applicant.

SECTION 8. DISCHARGE REQUIREMENTS, PROHIBITIONS AND RESTRICTIONS

8.1 DILUTION PROHIBITED

No user shall achieve, or attempt to achieve, compliance with these Regulations by diluting a discharge instead of using proper pretreatment. The increased use of process water in place of proper treatment shall be considered dilution and is prohibited by these Regulations.

8.2 PREVENTATIVE MEASURES

Each user shall provide reasonable and appropriate protection from any discharge, including accidental discharges, in violation these regulations.

8.3 CONFIDENTIALITY OF DATA AND DOCUMENT

All information and data regarding any user, whether obtained from reports, questionnaires, permit applications, permits, monitoring programs, or inspections, may be made available upon request to other governmental agencies and to the public without restriction

8.4 PROCESSING REQUESTS FOR DISCLOSURE OF PUBLIC RECORDS

The Commission shall allow any person, under the supervision of Commission personnel, to inspect any public record regarding a user governed by these Regulations which is in the custody of the Commission and not exempted as described in Section 9. The Commission may require each person requesting records to pay for copies of the records or to pay the expense of the search for the public records.

8.5 PROHIBITED WASTES OR SUBSTANCES

No person shall discharge or cause or allow to be discharged directly or indirectly into the Wastewater Management System any of the following:

(a) Fuel oil, crude oil, lubricating oil, or any other oils or greases of hydrocarbon or petroleum origin in excess of 15 milligrams per liter.

(b) Any liquid, solid, or gas including but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides and methyl ethyl ketone, which by reason of its nature or quantity is or may be sufficient, either alone or by interaction with other substances, to create a fire or explosion hazard or to be otherwise injurious to the Wastewater Management System, or to receiving waters, including:

(c) Wastewater with a closed cup flashpoint of less than 140 F (60 C) using the test methods specified in 40 CFR 261.21, and measured at the point of indirect discharge to the Wastewater Management System, or at such other place as the Commission determines; or

(d) any pollutant which exceeds 10 percent of the lower explosive limit as measured by an explosimeter at the point of discharge to the sewer or at any point within the sewer.

(e) Solids or viscous substances (such as, but not limited to, sand, mud, metal, glass, wood, paper, plastics, rags, rubber, latex, and lime or other slurries, garbage, bones, hair, human parts, hides or fleshings, animal guts or tissues, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass clippings, spent grains, spent hops, tar, asphalt

residues, residues from refining or processing fuel or lubricating oil, grease, or glass grinding or polishing wastes) in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Wastewater Management System.

(f) Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or of preventing safe entry into sewers for purposes of inspection, maintenance or repair.

(g) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

(h) Sludges or deposited solids resulting from an industrial or pretreatment process.

(i) Substances causing noticeable discoloration or turbidity.

(j) Liquids or vapors having a temperature higher than 150 degrees Fahrenheit (F) or 65 degrees Celsius (C), unless an alternative temperature limit is approved in writing by the Commission .

(k) Any garbage containing particles larger than one-half inch (1.27 centimeters) in any dimension or particles which will not be carried freely in the wastewater Wastewater Management System.

(m) Waters or wastes having pH lower than 5.5 or higher than 10.5, or having any other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, people or the Wastewater Management System. Excursions from these limits are permitted for facilities that continuously monitor pH, subject to limitations established by the in its Sewer Use Regulations 360, CMR 10.000.

(n) Mercury, polychlorinated biphenyls (PCBs), phenanthrene or pesticides, including but not limited to, dieldrin, chlordane, 1,1,1-Trichloro-2,2- bis(p-chlorophenyl)-ethane (4-4 DDT), demeton, endosulfan I, endosulfan II, endrin, guthion, heptachlor, malathion, methoxychlor, mirex, parathion, acrolein, aldrin, TDE, DDE, Hexachlorocyclohexane, lindane, benzene-cis-hexachloride and benzene-trans-hexachloride (BHC), hexachlorocyclopentadiene and toxaphene.

(o) Waters or wastes containing amounts of metal or other materials in quantities which violate the System's Groundwater Discharge Permit including but not limited to: Antimony, Arsenic, Boron, Cadmium, Chromium (VI) (Hexavalent), Copper, Cyanide, Lead, Nickel, Selenium, Silver, Zinc, Chromium, Chlorinated Naphthalenes, Fluoranthene, Hexachlorobutadiene, Pentachlorophenol. Phenol.

Phenolic Compounds (the following hydroxyl derivatives of benzene: 2-chlorophenol; 2,4-dichlorophenol; 2,4-dimethylphenol; 4,6-dinitro-o-cresol; 2,4-dinitrophenol; 2-nitrophenol; 4-nitrophenol; p-chloro-m-cresol; and 2,4,6-trichlorophenol

Toxic Organics (each Toxic Organic not limited elsewhere in these Regulations): 1.0 Total Toxic Organics 5.0 Trichloroethylene

(p) Waters or wastes containing amounts of toxic or objectionable metals and nonmetals in excess of limits contained in Federal or State regulations or in a Groundwater Discharge Permit.

(q) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by Federal or State regulations.

(r) Total suspended solids or dissolved solids of a type or concentration which would inhibit flow in the Wastewater Management System.

(s) Materials which exert a biochemical oxygen demand in excess of 400 milligrams per liter or a chemical oxygen demand in excess of 1,000 milligrams per liter or a chlorine demand in excess of limits established by the Commission.

(t) Waters or wastes containing fats, wax, grease, or oils of vegetable or animal origin in excess of 100 milligrams per liter or containing other substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 to 65 degrees Celsius). Waters or wastes containing such substances (excluding normal household waste) shall exclude all visible floatable oils fats and greases. The use of chemical, biological or physical means (such as temperature variation, solvents, enzymes, emulsifying agents, mechanical mixers) to bypass or release fats, waxes, oils or greases into the Wastewater Management System is prohibited. Subject to the written approval of the Commission, a chemical or biological agent may be added to convert the fats, wax, oil, and grease in a trap to a substance not regulated by these Regulations, if the resulting discharge from the trap will not cause or contribute to an obstruction or blockage in the sewer or otherwise violate these regulations. Unless so converted, the fats, wax, oil, and grease contents of a grease trap shall not be discharged to the Wastewater Management System. If the discharge concentration for any fats, oils or grease exceeds 100 milligrams per liter after treatment, the Commission may, in its discretion increase the discharge concentration limit on a case by case basis and apply a monetary charge for the increase.

(u) Any substances containing pathogenic organisms in such quantities as determined by local, state or federal law as hazardous to the public health or the environment, including but not limited to biological waste, hospital or medical wastes, and related used equipment and supplies.

(v) Hazardous waste or wastewater which has come in contact with hazardous waste.

(w) Waste or wastewater discharged through a bypass, unless such discharge through the bypass was approved in writing advance by the Commission, or the discharge through the bypass is allowed by 40 CFR 403.17 and the person using the bypass has provided the required notices to the Commission in a timely manner.

(x) Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the Commission, any filter backwash that is not treated to meet the limits and prohibitions established by the Commission, or any filter backwash which causes or contributes to a violation of these Regulations.

(y) Any trucked or hauled pollutants.

(z) Any water or wastewater, not otherwise governed by these Regulations, containing pollutants at levels which may adversely affect the Commission's ability to process or dispose of its wastewater residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.

8.6 PROHIBITED DISCHARGES INTO SANITARY SEWERS

No person shall discharge or cause or allow to be discharged directly or indirectly into the Wastewater Management System or into a sanitary sewer tributary thereto any groundwater, dewatering drainage, subsurface drainage, accumulated surface water, non-contact cooling water, non-contact industrial process waters, uncontaminated contact cooling water and uncontaminated industrial process water, or waters associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank or dewatering of a manhole.

8.6 DISPOSAL OF SEPTAGE PROHIBITED

No person shall discharge or cause or allow to be discharged any septage into the Wastewater Management System.

8.7 DAMAGE TO WASTEWATER MANAGEMENT SYSTEM

No person shall discharge or cause or allow to be discharged any substance which damages the Town's Wastewater Management System or causes the System to violate the provisions of the DEP Permit.

SECTION 9. PROTECTION FROM DAMAGE

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Wastewater Management System of the of the District. Any person(s) violating this provision shall be subject to all civil or criminal penalties as provided by Massachusetts General Laws or any other law code provision, rule, regulation or by-law that may be applicable.

Only authorized persons shall enter or remain in or upon any land or structure which is a part or used by the Wastewater Management System. Any person violating this provision shall be subject to immediate arrest under a charge of trespass.

SECTION 10. ENFORCEMENT

10.1 GENERAL

While performing the necessary work on private properties the Commissioner or duly authorized employees or agents of the District shall observe all safety rules applicable to the premises.

The Commission and its duly authorized employees or agents of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds an easement for the purposes of, but not limited to; Inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

10.2 INSPECTION: RIGHT OF ACCESS

(a) Duly authorized representatives of the Commission may inspect the property or facilities of any user (including facilities under construction) to ascertain compliance with these Regulations or compliance with any permit issued pursuant to these Regulations.

(b) Owners or occupants of premises where wastewater is either generated or discharged shall allow properly identified Commission representatives safe and ready access, at all reasonable times during normal business hours and at such other times as the Commission reasonably suspects that a violation of these Regulations or a permit issued pursuant to these Regulations may be occurring.

(c) Access shall be allowed to all such parts of the premises as would enable the Commission personnel to inspect, observe, measure, sample and test:

- (i) internal plumbing;
- (ii) pretreatment facilities;
- (iii) internal discharge points or connections;
- (iv) exterior connections;
- (v) building sewers
- (vi) oil traps and grease traps;
- (vii) any other facilities required by the Commission to be constructed, installed or utilized;
- (viii) measurement, sampling and testing facilities and procedures that have been required by the Commission ; and
- (ix) such other facilities as the Commission reasonably believes may be contributing to a violation of these Regulations or a permit issued pursuant to these Regulations.

(d) The Commission, may conduct routine, periodic inspections of certain types of facilities. It is anticipated that restaurants, other food handling or food processing establishments, service stations, and other entities which deal with grease or petroleum products are particularly likely to be subject to such an inspection program. Owners or occupants shall provide any labor or equipment needed by Commission personnel to open, inspect, and operate oil and grease traps and other facilities.

10.3 RIGHT OF ENTRY

Upon proper identification and at reasonable times during normal business hours and at such times as the Commission reasonably suspects that a violation of these Regulations or a permit issued pursuant to these Regulations may be occurring, duly authorized representatives of the Commission shall be permitted to enter all private property on which the Commission holds an easement for the purposes of inspection, observation, measurement, sampling, testing, maintenance, repair, or reconstruction of any portion of the wastewater management system lying within such easement. All entry and subsequent work, if any, shall be done in full accordance with the terms of such easement.

10.4. PUBLIC FUNCTION

The Commission shall be deemed to be performing an essential public function. The Commission shall not be liable for any loss or damage as a result of the performance of such essential public function.

10.5. CONSEQUENCES OF DENIAL OF ENTRY OR ACCESS

Where an owner or user, after having received reasonable notice from the Commission, refuses to permit properly identified Commission personnel to enter or have access to premises or facilities in accordance with these regulation, the Commission may forthwith give written notice of its intent to petition the Town's Board of Water Commissioners to terminate water service to such user or may seek and obtain an administrative search warrant.

SECTION 11. VIOLATIONS AND PENALTIES; ENFORCEMENT

Any person found to be violating and provisions of these Rules and Regulations, shall be served by the Commission with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in the amount as determined by the Commission and as set forth in the schedule of fees for each violation. Each day that a violation continues shall be considered a separate offense.

Any person violating any provision of these Rules and Regulations shall be liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

11.1 MONETARY LIABILITY ASSOCIATED WITH PENALTIES

Any person who violates any provision of these Regulations or a permit issued pursuant to these Regulations shall forfeit and pay to the Commission an amount set forth in the Schedule of Penalties adopted by the Commission from time to time in accordance with M.G.L. c. 83, section 10, as then in effect. For purposes of this section, each day of a continuous violation shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.

11.2 REIMBURSEMENT FOR COSTS TO THE COMMISSION

Failure to comply with any portion of these Regulations, or with any permit or order issued thereunder, shall be sufficient cause for the Commission to levy on and collect from each violator any additional cost for any expense, loss, or damage occasioned by such violation, including assessments or penalties levied or imposed on the Commission by DEP pursuant to its ' Rules and Regulations relative to sewers.

11.3 ENFORCEMENT ACTIONS MULTIPLE ALTERNATIVES

When the Commission determines that a person has:

- (a) violated, is violating or threatens to violate these Regulations; or
- (b) violated, is violating or threatens to violate any permit issued pursuant to these Regulations; or
- (c) made a false representation in an application, record, or report to the Commission or failed to provide relevant information; or
- (d) manipulated, falsified, tampered with, or rendered inaccurate a monitoring device or method; or
- (e) failed to comply with an order or ruling issued by the Commission or a court after having reasonable opportunity to comply; or
- (f) failed to pay a penalty or fee due to the Commission, or
- (g) caused or threatened damage to the Wastewater Management System, the Commission may take any one or more of the following actions, in any sequence or simultaneously:
 - (1) The Commission may issue a request or an order to cease and desist any such violation or any actions that cause or threaten to cause a violation, and/or an implementation schedule for undertaking specific actions or practices.
 - (2) The Commission may require the person in question to submit a detailed time schedule setting forth specific actions to be taken and specific dates upon which such actions will be undertaken in order to prevent or correct a violation. The Commission may issue an implementation schedule containing or modifying such specific actions and time schedule, or requiring such other actions within such times as the Commission deems appropriate.
 - (3) The Commission may issue an order directing the person to pay to the Commission penalties and costs.
 - (4) The Commission may revoke, modify, deny, suspend, or refuse to renew a permit issued to the person under these Regulations.
 - (5) The Commission may take direct enforcement action by filing suit in any court of competent jurisdiction for civil or criminal fines and reimbursement of costs or damages resulting from the violation or threatened violation.
 - (6) The Commission may petition the Town's Water Commissioners to terminate water service to the person following written notice of its intent to do so.
 - (7) The Commission, through counsel, may petition the Court, in the name of the Town for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Commission.
 - (8) The Commission may take any other action available to it under any applicable statute or regulation.

11.4 ADMINISTRATIVE PROCEDURES: INFORMAL CONFERENCE

(a) Whenever the Commission issues a Sewer Access Permit; denies, revokes, modifies, or amends any form of permit or application; requires an owner or user to build or install any particular facility or device; issues a cease and desist order, a compliance order, or an implementation schedule; or assesses penalties or other charges for noncompliance with these Regulations, any permit, or other lawful requirement, the Commission shall promptly inform the owner or user to whom such action is addressed.

(b) Such notice shall be sent first-class mail and shall inform the addressee of his/her/its right to submit, within fourteen (14) days after the date of such notice, a written request for reconsideration of the Commission's action. A request for reconsideration shall be addressed to the Commission and shall set forth in detail the facts supporting it.

Such a request shall not have any effect to stay or delay the Commission action, unless the Commission provide otherwise in a writing mailed to the entity making the request.

(c) Upon receiving a timely request for reconsideration, the Commission or its designee shall schedule an informal conference with the entity making the request. Written notice of the conference date, time and place shall be mailed to that entity at least ten (10) days before the date of the conference, which shall be held no later than twenty one (21) days after receipt of the request. The Commission or its designee shall rule in writing on the request for reconsideration within fourteen (14) days after completion of the conference.

11.5 RIGHT TO HEARING

(a) A copy of the Commission's decision on the request for reconsideration shall be mailed to the person or entity which submitted the request. The ruling shall be accompanied by a notice that such person or entity has the right to request a hearing before the Commission or its designated representative.

(b) The notice shall inform the addressee that in order to obtain a hearing concerning the Commission's action a written request must be submitted to the Commission at the Commission's Town Hall office within thirty (30) days after the date of such notice from the Commission.

11.6 NOTICE OF HEARING

Within fifteen (15) days after receiving a timely written request for a hearing, the Commission shall schedule a hearing and shall mail to the person or entity which requested the hearing, written notice specifying the date, time, place, and subject matter of the hearing. The notice shall also state that the person or entity requesting a hearing has the right to be represented by legal counsel and to present evidence (in the form of both documents and testimony) at the hearing.

11.7 CONDUCT OF HEARING

(a) The hearing scheduled under Section 3 above shall be held not sooner than fifteen (15) days nor later than thirty (30) days after the date of the notice of such hearing. The rules of evidence observed by courts need not be adhered to. The proceedings shall be tape recorded, and the recording shall be kept in the Commission's custody.

(b) Any person who desires a transcript of the hearing may obtain one from the Commission, upon payment to the Commission of the transcription charge reasonably incurred by the Commission.

11.8 HEARING RECORD AND DECISION

The documents and other evidence offered at the hearing shall constitute the hearing record. The hearing decision shall be based solely on the hearing record and shall be made within thirty (30) days after the conclusion of the hearing. The decision shall be embodied in a writing which summarizes the matters considered and the reasons for the determination made on each such matter. The written decision shall be signed by the Commission or its designated representative and shall be mailed to the entity which had requested the hearing.

11.9 SCHEDULE OF FEES AND PENALTIES

The Commission may impose a fine of \$300 per day, or such lesser amount as the Commission may determine, upon a property owner and/or a drain layer, for the following violations of the Rules and Regulations of the Commission:

- Unlawful discharge, including sump pump connections, roof or perimeter drain connections or any other unlawful discharge.
- Unauthorized Building Connection.
- Discharge of prohibited wastes or substances in violation of Sections 8.5 through 8.7 of the regulations.
- Violation of the Drain Layer's License Regulations.
- Any violation of the Commission's Rules and Regulations.

The Commission may impose a fine of \$100 per day, or such lesser amount as the Commission may determine, upon a property owner for failure to connect to the Wastewater Management System within the timeframe required by the Regulations.

Each day that a violation continues is a separate violation of the Regulations for which the Commission may impose a fine in the amount specified.

SECTION 12. SEVERABILITY

Each provision of these rules and regulations is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from these rules and regulation and the remaining provisions shall nonetheless remain in full force and effect.

SECTION 13. REGULATIONS IN FORCE

These rules and regulations shall be in force and effect from and after its passage, approval, recording, and publication as provided by law.