1997

REGULATIONS FOR THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND FOR THE USE OF PUBLIC SEWERS IN THE TOWN OF SOUTHBRIDGE MASSACHUSETTS

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In accordance with Section 10, Chapter 83, of the General Laws of the Commonwealth of Massachusetts, and Section 14 of Chapter 228 of the Acts of 1899, the Town of Southbridge, Massachusetts, Department of Public Works, prescribes the following Regulations for the Installation and Connection of Building Sewers and for the Use of Public Sewers.

ARTICLE I

Definitions

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

Sec. 1. "Abutter" shall mean an owner of land which fronts on a public sewer.

Sec. 2. "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. § 1251, et seq.)

Sec. 3. "Applicant" shall mean the owner as hereinafter defined who makes out a building sewer permit application with the intention of sewering an improved property.

Sec. 4. "Appropriate Time" shall mean any time during normal working hours or during multiple shifts, whichever is longer.

Sec. 5. "ASTM" shall mean the American Society of Testing & Materials.

Sec. 6. "Authority" shall mean the Public Works Department Head of the Town of Southbridge, or his authorized deputy, agent or representative.

Sec. 7. "Authorized Representative of Industrial User" shall mean either: (a) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (b) a general partner or proprietor if the industrial user is a partnership or proprietorship respectively; or (c) a duly authorized representative made in writing and sent to the POTW by the individual designated above, if such representative is responsible for the overall operation of the facilities from which the discharge of wastewater originates.

Sec. 8. "Average Daily Flow" or "ADF" shall mean the quantity of flow as calculated by 310 CMR 15.203.

Sec. 9. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of mass and volume (milligrams per liter (mg/l)).

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Sec. 10. "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 five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 11. "Building Sewer" shall mean the extension from the building drain to the public sewer.

Sec. 12. "Categorical Pretreatment Standard or Categorical Standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Sec. 13. "CFR" shall refer to the Code of Federal Regulations.

Sec. 14. "CMR" shall refer to the Code of Massachusetts Regulations.

Sec. 15. "COD" shall mean Chemical Oxygen Demand.

Sec. 16. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 17. "Compatible Pollutant" shall mean those for which the Wastewater Treatment Facility was designed to treat.

Sec. 18. "Compliance Schedule" shall mean schedule developed by the applicant stating the procedural method for correcting a discharge violation. The procedural method shall consist of the following phases:

i) Study phase including wastewater testing
ii) Design phase - if required
iii) Construction phase - if required

The schedule shall be signed and dated by the industries' authorized representative. Sufficient information and detail shall be included with the Schedule to indicate the correction of the discharge violation has been adequately assessed and will be resolved.

Sec. 19. "Control Manhole" shall mean a manhole which is installed along a sewer and which provides access for the observation, sampling, and measurements of the wastes.

Sec. 20. "Cooling Water" shall mean the water discharged from any use such as air-conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

Sec. 21. "Day" shall mean one working day consisting of 1, 1.5, 2, 2.5, or 3 shifts in one (1) twenty four (24) hour period excluding Saturdays, Sundays, holidays and shutdowns if no manufacturing or other work is in progress at the facility of the significant industrial user.

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Sec. 22. "Domestic Wastes" shall mean liquid wastes (1) from the non-commercial preparation, cooking and handling of food or (2) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

Sec. 23. "Domestic Wastewater" shall mean normal water-carried household and toilet wastes discharged from any improved property, excluding ground surface, or stormwater.

Sec. 24. "EPA" shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Sec. 25. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

Sec. 26. "Excessive" shall mean amounts or concentrations of any constituent of a wastewater which in the judgement of the Town will cause damage to any wastewater facility, which will be produced in excessive quantities in the sludge produced at the Wastewater Treatment Plant, which will be harmful to a wastewater treatment process, which cannot be removed in the wastewater treatment works of the Town to the degree required to meet the limited stream classification standard of the receiving water, which can otherwise endanger life, limb, the environment or public property, or which can constitute a nuisance.

Sec. 27. "Facilities" shall include structures and conduits for the purpose of collecting, treating, neutralizing, or disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of structures and conduits including treatment and disposal works, necessary intercepting, outfall, and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

Sec. 28. "Floatable oil" is oil, fat, wax, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Sec. 29. "Flow equalization facilities" are those facilities in which variations in flow and composition of a liquid are averaged.

Sec. 30. "Gallons Per Day (GPD)" shall mean total volume of wastewater discharged into the collection system during one day.

Sec. 31. "Garbage" shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food and from the handling, storage and sale of produce. It is composed largely of putrescible organic matter and its natural moisture content.

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Sec. 32. "Improved Property" shall mean any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure domestic wastewater and/or industrial wastes shall be or may be discharged.

Sec. 33. "Incompatible Pollutant" shall mean any pollutant, other than biochemical oxygen demand, suspended solids, Ph, coliform bacteria, or additional pollutants identified in the permit, which the POTW was not designed to treat, and does not adequately remove.

Sec. 34. "Industrial Establishment" shall mean any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article or from which any process waste, as distinct from domestic wastewater, may be discharged.

Sec. 35. "Industrial User" shall mean a manufacturing, processing, or other non-residential facility (such as hospitals, commercial laundries, and tank and barrel cleaning operations) which discharges non-sanitary industrial wastes into a public sewer.

Sec. 36. "Industrial Wastes" shall mean the liquid or solid wastes from industrial processes, trade, or business, as distinct from sanitary sewage.

Sec. 37. "Industrial Wastewater" shall mean the liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments.

Sec. 38. "Interference" shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State 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, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

Sec. 39. "Invert" shall mean the bottom inside of the sewer pipe.

Sec. 40. "mg/l" shall mean milligrams per liter.

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Sec. 41. "National Categorical Pretreatment Standard" shall mean any regulations containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the CWA (33 U.S.C. 1317), which apply to a specific category of IUs and which are found at 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

Sec. 42. "National Pollution Discharge Elimination System (NPDES) Permit" shall mean the program for issuing, conditioning and denying permits for the discharge of pollutants from sources into the waters of the United States, the contiguous zone and the oceans pursuant to Section 402 of the Act (33 U.S.C. 1342).

Sec. 43. "National Pretreatment Standard" or "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 Clean Water Act (CWA) which applies to industrial users (IUs), including the specific prohibitions found in 40 CFR 403.5.

Sec. 44. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body or surface or groundwater.

Sec. 45. "New Source" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants as defined in 40 CFR 403.3(k).

Sec. 46. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any improved property.

Sec. 47. "Pass Through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Sec. 48. "Person" shall mean any individual, firm, company, partnership, corporation, association, group or society and includes the Commonwealth of Massachusetts, and agencies, districts, commissions and political subdivisions created by or pursuant to State Law.

Sec. 49. "pH" shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

Sec. 50. "Phosphorus" (denoting Total Phosphorus) shall mean the total of organic phosphorus and inorganic phosphorus.

Sec. 51. "Pollutant" shall mean any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of the POTW or its receiving waters.

Sec. 52. "POTW (Publicly Owned Treatment Works)" shall mean the treatment works operated by the Town and its agents, including any devices and systems, whether owned by the Town or under its control, used in the collection, storage, treatment, recycling and reclamation of municipal

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sewage or industrial wastes of a liquid nature and also including without limiting the generality of the foregoing, the Town's Wastewater Treatment Plant and appurtenances, the sewers, pipes, pumping stations and other devices conveying wastewater to the treatment plant, and sludge processing systems whether operated by the Town directly or by a contractor or agent of the Town.

Sec. 53. "Pretreatment or Treatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

Sec. 54. "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on a user.

Sec. 55. "Pretreatment Standards" shall mean all applicable federal rules and regulations implementing Section 307 of the Act, as well as any non-conflicting state of local standards.

Sec. 56. "Private Wastewater Disposal System" shall mean the structure, equipment and processes required to treat wastewater generated on the owner's improved property. The system may be comprised of a septic tank and leaching field, or any other method approved by the Board of Health.

Sec. 57. "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.

Sec. 58. "Property", "Parcel", or "Lot" shall mean an area of land as marked on the assessment drawings in the office of the Town Assessor, Town of Southbridge, Massachusetts.

Sec. 59. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, is controlled and maintained by the Public Works Department.

Sec. 60. "Public Works Department" shall mean the Public Works Department of the Town of Southbridge.

Sec. 61. "Public Works Department Head" shall mean the Public Works Department Head of the Town of Southbridge, or his authorized deputy, agent or representative.

Sec. 62. "RCRA" shall mean the Resource Conservation and Recovery Act.

Sec. 63. "Receiving Waters" shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or ground water receiving discharge of wastewaters.

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Sec. 64. "Receiving Water Quality Standards" shall mean the Massachusetts Water Quality Standards, as provided by M.G.L. chapter 21, Section 27.

Sec. 65. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec. 66. "Septage" shall mean the wastes, primarily of sewage origin, that are removed from a cesspool, septic tank, or similar receptacle.

Sec. 67. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

Sec. 68. "Sewage Treatment Plant" or "Water Pollution Abatement Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 69. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sec. 70. "Sewer Connector" shall mean the extension from the building drain to the public sewer.

Sec. 71. "Sewer Main" shall mean a sewer constructed of adequate diameter, slope, and material having the capability, in the opinion of the D.P.W. Head, to function as a public sewer.

Sec. 72. "Shall" is mandatory; "May" is permissive.

Sec. 73. "Significant Industrial User" shall mean

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

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

Sec. 74. "Slug Loadings" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

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Sec. 75. "Spill" shall mean the release, accidental or otherwise, of any material not normally released to the facilities, which by virtue of its volume, concentration, or physical or chemical characteristics, creates a hazard to the facilities, their operation or their personnel. Such characteristics shall include, but are not limited to, volatile, explosive toxic, or otherwise unacceptable materials.

Sec. 76. "Storm Drain" or "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 77. "Storm Water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

Sec. 78. "Supervisor" shall mean the Chief Operator of the Wastewater Pollution Control Facility of the Town of Southbridge.

Sec. 79. "Suspended Solids (SS)" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering, and are referred to as non-filterable residue in the laboratory test procedures prescribed by the EPA.

Sec. 80. "Total kjeldahl nitrogen" shall mean the total of ammonia and organic nitrogen but does not include nitrate and nitrite nitrogen.

Sec. 81. "Town" shall mean the Town of Southbridge, Worcester County, State of Massachusetts.

Sec. 82. "Town Manager" shall mean the Chief Administrative Officer of the Town of Southbridge.

Sec. 83. "Toxic Pollutant" shall mean a pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA.

Sec. 84. "Unpolluted Water" shall mean water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

Sec. 85. "User" shall mean any person who contributes, causes, or permits the contribution of sewage into the public sewer or sewage works.

Sec. 86. "Wastes" shall mean substances in liquid, solid, or gaseous form which can be carried in water.

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Sec. 87. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, institutions, and industrial establishments, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the Town's wastewater treatment system.

Sec. 88. "Wastewater Treatment System (System)" shall mean any devices, facilities, structures, equipment or works owned or used by the Town for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic waste, or is used for the ultimate disposal of sludge resulting from such treatment.

Sec. 89. "Water Pollution Control Plant" shall mean any arrangement of devices and structures used for treating wastewater, industrial wastes and sludge.

Sec. 90. "Watercourses" shall mean a natural or artificial channel in which a flow of water occurs, either continuously of intermittently.

Sec. 91. "WPCF" shall mean the Water Pollution Control Federation".

All other words and terms not otherwise defined herein shall be construed as having meaning defined in the Glossary Water and Waste Water Control Engineering, published by the Water Pollution Control Federation, Washington, D.C., or by their general usage, if undefined or as adopted in the latest edition of Standard Methods for the Examination of Water & Wastewater, published by the American Public Health Association.

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ARTICLE II

Building Sewers and Connections

Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Public Works Department Head. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Public Works Department Head at least forty-five (45) days prior to the proposed change or connection, and shall be required to obtain a written permit from the Public Works department for said new connection or substantial change in discharge.

Sec. 2. There shall be three (3) classes of building sewer permits: (a) for residential, (b) for commercial service, and (c) for service to establishments producing industrial wastes. In any case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Public Works Department Head.

a. Permits will only be issued to plumbers licensed to do business in the Commonwealth and to drain layers licensed to lay drains in the Town of Southbridge. Permits are not transferrable.

b. Permits shall be subject to revocation when any of the rules and regulations contained herein are not being followed.

c. If the work under the permit is not completed within 90 days, renewal of permit must be obtained.

d. Permits will not be issued until the applicant has filed a layout plan showing the location of the existing service connection, house location and route of sewer service, and said layout has been approved by the Public Works Department Head.

e. Permits must be obtained for repair work to existing sewer services. Responsibility and liability for all repair work shall be the same as are herein imposed for original connections.

f. No 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 Public Works Department Head copies of the notices to public utility companies as required by M.G.L. Chapter 82, Section 40.

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Sec. 3. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Department Head, to meet all requirements of these regulations.

Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 7. Whenever possible,, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

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

Sec. 10. The applicant for the building sewer permit shall notify the Public Works Department Head when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Department Head or his representative.

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Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Sec. 12. Sewer Connect Fees are to be used to upgrade existing sewer collection lines in order to maximize capacities for the sewage to be contributed by new growth; and potentially to add any needed capacity to the Wastewater Treatment Plant for new growth.

Fees will be uniform Town-wide: $5.45 per gallon of average daily flow as calculated by 310 CMR 15.203. Fees will be payable at the time of issuance of the Town Sewer Connect Permit. The Town Sewer Connect Permit will be valid for a period of one year from the date of issuance.

The fee per unit will be reduced if found to be excessive following the determination of actual costs to be incurred. An abatement per unit fee paid will be made with interest.

(a) New Residential Sewer Connections: $5.46 per gallon ADF fee per unit for new residential construction.

Additions to Existing Sewered Properties: $5.46 per gallon, ADF, for the additional discharge to the Town sewer from newly constructed properties currently connected to the Town sewer. Building permits will not be issued until this fee has been paid.

(b) Sewer Connect Permit Fees will be waived for connections within 60 days to sewer lines constructed by funding under the authority of MGL Chapter 21 Section 30A, (Collection Systems Grant).

(c) New Commercial/Industrial Construction shall be $5.46 per gallon ADF.

Sewer connect permits will not be issued to projects which do not have a required State extension permit until extension permit is issued by the State. Additionally, permits will not be issued in any part of Town in which there is a moratorium.

The sewer connect permit fee will not be applicable to projects which had a building permit prior to September 2, 1986.

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ARTICLE III

Use of Public Sewers

Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Public Works Department Head. Industrial non-contact cooling water or unpolluted process waters may be discharged, on approval of the Public Works Department Head, to a storm sewer, combined sewer, or natural outlet, subject to the approval, if required, by the Massachusetts Department of Environmental Protection.

Sec. 3. No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local standards or requirements.

(A) Prohibited Discharges

No person shall discharge or deposit or cause or allow to be discharge or deposited into the wastewater treatment system any wastewater which contains the following substances, elements or properties:

(1) Explosive Mixtures Liquids, solids or gases which by reason of their nature of quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of that system and meets a closed cup flashpoint of less than 140°F, (60°C) using the test methods specified in 40 CFR 261.21.

(2) Radioactive Wastes Radioactive wastes or isotopes of such halflife or concentration that they do not comply with regulations or orders issued by the
appropriate authority having control over their use and which will or may cause damage or hazards to the Wastewater Treatment System of personnel operating the system.

(3) Toxic Substances Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United State Environmental Protection Agency pursuant to Section 307 of the Act, and chemical elements or compounds, or other taste or odor producing substances, or

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any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system.

(4) Pass Through Any discharge which alone or in conjunction with a discharge or discharges from others sources, causes a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.

(5) Heat Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).

(B) (a) Limited Wastewater Discharges

No person shall discharge or cause or allow to be discharged or deposited into the wastewater treatment system any wastewater which contains the following substances, elements or properties:

(1) Oils and Grease Oil and grease concentrations or amounts which violate the standards set forth in Article III, Sec. 4(b) and petroleum/nonbiodegradable cutting/mineral oils in amounts which cause interference or pass through.

(2) Toxic Gases/Vapors/Fumes Noxious malodorous solids, liquids or gases, and toxic gases, vapors, and fumes which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(3) Solid or Viscous Wastes Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. The classification of materials in this category shall include, but are not limited to grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste, paper, wood, plastic, tar asphalt residues from refining or processing of fuel, or lubricating oil, any type of sludge from holding or storage tanks located on the premises. There shall be a presumption that any material in the foregoing classification does obstruct or interfere with the proper operation of the wastewater treatment system.

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(4) Flow Rate/Concentration Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that can cause interference.

(5) Unpolluted Waters Any unpolluted water including, but not limited to, water from cooling systems which will unreasonably increase the hydraulic load on the treatment system.

(6) Discolored Material Wastes with objectionable color not removable by the treatment process.

(7) Corrosive Wastes Any wastes which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of 5.5 to 9.0 standard units.

(8) Trucked/Hauled Waste Any wastes trucked or hauled except at discharge points designated by the Public Works Department Head in accordance with Sec. 10 of this Article.

(b) Maximum Concentration of Pollutants

The maximum concentration of pollutants allowable in wastewater discharges to the wastewater treatment system shall conform with all the existing federal (including 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N), state and local guidelines and standards. In the event of a conflict between said standards and guidelines, the most restrictive shall apply. In the event of a change in federal guidelines and standards, the amended or modified version shall be applied. Users shall be notified of any changes in guidelines and standards which affect them.

(c) Special Agreements

Nothing in this section shall be construed as preventing any special agreement or arrangement between the Public Works Department Head and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be required by the Town. In no case shall such an agreement result in a violation of federal, state or local pretreatment requirements.

(C) Discharges Subject to Surcharges

Any discharges in excess of limits as set out in Appendix II shall be subject to a surcharge.

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Sec. 4. No persons shall discharge or cause to be discharged any type of waste containing pollutants in amounts that exceed the EPA approved local limits in Appendix I. Nor shall any persons discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Public Works Department Head that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Public Works Department Head 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 sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred four (104) ^{o}F (40° C).

(b) Any water or waste 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 thirty-two (32) and one hundred fifty (150) ^{o}F (O and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works Department Head.

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

(e) Any waters or wastes containing iron, chromium, copper, zinc and/or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Public Works Department Head for such materials.

(f) Any waters or wastes containing phenols or other taste or odor producing ubstances, in such concentrations exceeding limits which may be established by the Public Works Department Head as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Public Works Department Head in compliance with applicable State or Federal regulations.

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(h) Any waters or wastes having a pH in excess of (9.0).

(i) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the equirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5. 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 3 or 4 of this Article, and which in the judgment of the Public Works Department Head may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Department Head 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,

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article, and/or

(e) Seek administrative, civil and/or criminal penalties.

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If the Public Works Department Head 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 Public Works Department Head, and subject to the requirements of all applicable codes, ordinances, and laws.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the National Standard, if more stringent than limitations imposed under these regulations for sources in the subcategory, shall immediately supersede the limitations imposed hereunder. The Public Works Department Head shall notify all affected users of the applicable reporting requirements as required by Federal Pretreatment Regulations. State limitations on discharges shall apply in any case where they are more stringent than national requirements and limitations or those set forth in this Article.

Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Department Head, 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 interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Department Head and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

Sec. 7. Where preliminary treatment 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 expense.

Sec. 8. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Public Works Department Head and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Public Works Department Head in accordance with Article VI of these regulations.

Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be performed in accordance with 40 CFR 136, 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 by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

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Sec. 10. The Public Works Department Head may, when conditions at the treatment plant permit, authorize the dumping of septic tank and cesspool pumping at the treatment plant. Waste haulers are subject to all sewer regulations, including local limits, and are further subject to the following conditions:

(a) A permit to deposit septic tank and cesspool pumpings at the treatment plant must be obtained from the Public Works Department Head.

(b) The pumping contractor, upon granting of the permit, agrees to pay the Town of Southbridge the fee determined by the Public Works Department Head and must comply with the following regulations:

(1) Only pumpings collected within the Town of Southbridge shall be disposed of at the treatment plant.

(2) A signed slip, by the property owner from whom the septic tank or cesspool wastes were removed, will be provided the operator at the treatment plant.

(3) No grease, oil, gasoline, explosive fluids, acids, process wastes, or garbage shall be dumped.

(4) Discharge shall be controlled by a valve and approved tank outlet connection. Pumpings will be diluted to the extent prescribed by the Public Works Department Head.

(5) Any drippings shall be cleaned up and washed away as required to maintain a sanitary condition.

(c) Failure to observe regulations will result in revocation of the permit.

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ARTICLE IV

Protection from Damage

Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewer works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE V

Powers and Authority of Inspectors

Sec. 1. The Public Works Department Head and other duly authorized employees of the Town bearing proper credentials and identification shall have the right to enter all properties for the purposes of inspection, observation, measurement, sampling, testing, and investigations to the degree necessary to permit the evaluation of the users compliance with these regulations in accordance with the provisions of these regulations. Unreasonable delays in allowing access to the user's premises shall be a violation of these regulations.

Sec. 2. The Public Works Department Head and other duly authorized employees of the Town bearing proper credentials and identification shall have the right to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 3. If the Public Works Department Head or other duly authorized employees of the Town have been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town deigned to verify compliance with these regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Public Works Department Head may seek issuance of a search warrant.

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ARTICLE VI

INDUSTRIAL PRETREATMENT REGULATION

Preamble

The Wastewater Treatment Plant has been designed to operate within certain parameters such that when those parameters are exceeded, additional costs will be incurred by the Town of Southbridge. It is therefore, essential that the Town have the right and ability to inspect and/or monitor for those users of the system which exceed the design parameters and to recover those additional costs incurred by the Town.

Preface

This Article is promulgated pursuant to Chapter 228 of the Acts of 1899 and in compliance with the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (hereinafter referred to as the "Act").

The purpose of this Article is to provide for the wastewater treatment system of the Town of Southbridge by industries served by that system in conformity with federal law, the applicable rules of the appropriate federal agencies, laws of the Commonwealth of Massachusetts, rules of the Massachusetts D.E.P., and by-laws of the Town of Southbridge.

SECTION.1. Prohibitions and Limitations of Wastewater Discharges

All Industrial Users must meet the local limits as set forth in Appendix I. No person shall discharge or deposit or cause or allow to be discharge or deposited into the wastewater treatment system any wastewater which contains the substances, elements or properties as listed in Article III of these Regulations.

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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Public Works Department Head may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

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SECTION 2. Control of Limited Wastes

(A) Enforcement Actions

If wastewaters containing any substance described in Article III, Sec. 3. (A), (B) or (C) of this Regulation are discharged into the sewer of the Town of Southbridge, the Public Works Department Head may take the following action or actions:

(1) Require pretreatment, including provision of storage facilities by the user, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate this Regulation and provide proper disposal of objectionable characteristics or substances that was removed within guidelines established by the Public Works Department Head.

(2) Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the Town for handling and treating excess loads or prohibited loads imposed upon the wastewater treatment system.

(3) Take such other remedial action as may be deemed to be desirable or necessary to achieve the objectives of this Regulation.

(B) Pretreatment Requirements:

In the event that pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, the Public Works Department Head may require that the user submit plans, specifications, and other pertinent data or information relating to such pretreatment or flow control facilities to the Public Works Department Head for review and approval. Such approval shall not be deemed to exempt the discharge of such facilities from compliance with any applicable code, by-law, rule, regulation, statute or order of any governmental authority. After the provision of such plans, specifications and other pertinent data or information, the user shall not make any subsequent alterations or additions to such pretreatment or flow control facilities without first obtaining the approval of the Public Works Department Head.

In accordance with 40 CFR 403.12 (j), all industrial users discharging to the Town of Southbridge sewer system shall notify the Public Works Department Head whenever the character or origin of its permitted discharge is changed. Notice shall be made in writing at least 90 days prior to the proposed change. Changes which must be reported include, but are not limited to, discharge quantity (by more than 10% of average flow), tenants on a permitted property, process changes, and implementation of new waste management procedures.

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In accordance with 40 CFR 403.12 (p), the Industrial User shall notify the Supervisor, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge considered hazardous waste.

(C) Pretreatment Facility Operations:

In the event that a user is required to engage in pretreatment or control of waste flows, such pretreatment or control facilities shall be maintained in good working order and operated with reasonable efficiency by the owner or operator at no cost and expense to the Town of Southbridge and shall be subject to the requirements of this Regulation and all other applicable codes, by-laws and laws.

(D) Inspections:

Whenever inspections of any property or premises of a user shall be deemed necessary by the Public Works Department Head for the purposes of this Regulation, or are reasonably necessary to secure compliance with any by-law provision, state law, or other municipal rules and regulations, it shall be the duty of the user, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the Town authorized to make the inspection at any appropriate time that admission is requested. The purposes for which inspection may be required may include but shall not be limited to the following:

(1) Copying any records required to be kept under the provisions of this Regulation.

(2) Inspecting any monitoring equipment or method.

(3) Sampling of any discharge of wastewater into the wastewater treatment system; and

(4) Inspecting the condition and operation of any pretreatment facility.

The Public Works Department Head and those authorized by him may enter upon the property or premises of the user at any hour under emergency circumstances. Whenever an analysis of any monitoring material is reasonably necessary to secure conformance with any Regulation provision herein or federal and state law, it shall be the duty of the user, or the person in charge of the premises of the user, to give to any authorized officer, official or employee or the party requesting the same, sufficient samples of the material or commodity. In the event that any user, or the person in charge of the premises of a user, refuses to permit any such officer, official or employee to make an inspection or to take sufficient samples for analysis, or interferes with such officer, official or employee to make an inspection or to take sufficient samples for analysis, or interferes with such officer, official or employee that action shall be deemed a violation of this Regulation by the user.

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E) Protection from Accidental Discharge:

Each individual user shall provide protection to the wastewater collection and treatment system from accidental discharge of materials or other wastes regulated by this Regulation. Facilities and procedures to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense and cost of the user or operator.

The Town reserves the authority to require a Significant Industrial User to develop a slug/spill plan in accordance with 40 CFR 403.8 (f)(2)(v) .

Plans showing such facilities and operating procedures to provide this protection from accidental discharge shall, upon request by the Public Works Department Head, be submitted to the Public Works Department Head for review and approval. An accidental discharge/slug control plan shall address, at the minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;

2. Description of stored chemicals;

3. Procedures for immediately notifying the Public Works Department Head of any accidental or slug discharge, as required in Section (F) of this Article; and

4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

In the event that the Public Works Department Head does not approve said plans, the Public Works department Head may require the user to provide an adequate facility or procedure to protect against such accidental discharge. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Regulation; and further, such review and approval shall not relieve the industrial user from responsibility from any accidental discharge that may nonetheless occur.

(F) Reporting of Accidental Discharge

If, for any reason, a facility does not comply with or will be unable to comply with any prohibition of limitations concerning accidental discharge in this Regulation, the facility responsible for such discharge shall immediately notify the Public Works Department Head by either telephone or personal messenger so that corrective action may be taken to protect the wastewater treatment system. All categorical and non-categorical IUs shall notify the

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Public Works Department Head immediately of all potential problems and discharges that could cause problems to the treatment system in accordance with Section 3(F) of this Article. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

SECTION 3. Industrial Wastewater Monitoring and Reporting

(A) Baseline Monitoring Report

Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after a final administrative decision made upon a category determination, the industrial user shall submit to the Public Works Department Head a baseline monitoring report as outlined below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Public Works Department Head a report which contains the information listed below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth below.

1. The name and address of the facility, including the name of the operator and owner.
2. A list of any environmental control permits held by or for the facility.
3. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
4. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
5. Measurements of Pollutants:

    a.) The categorical pretreatment standards applicable to each regulated process.

    b.) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Public Works Department Head, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and longterm average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations.

    c.) Sampling must be performed in accordance with procedures set out in Section J, below.

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6. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether 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 to meet the pretreatment standards and requirements.

7. 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 and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section B., below, of the regulation.

8. All baseline monitoring reports must be signed and certified.

B. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

2. No increment referred to above shall exceed nine (9) months;

3. The user shall submit a progress report to the Public Works Department Head no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

4. In no event shall more than nine (9) months elapse between such progress reports to the Public Works Department Head.

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C. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Public Works Department Head a report containing the information described in Section 3(A) of this Article. For users subject to equivalent mass or concentration limits established in accordance with 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified.

D. Periodic Compliance Report

All significant industrial users shall submit a periodic report at such intervals, minimally semiannually, or more frequently as designated by the Public Works Department Head. Required records and reports may include, but need not be limited to the following information: Nature of process, rates of flow, mass emission load, hours of operation, concentrations of controlled pollutants, chemical constituents and quantity of liquid materials stored on the site, which have the possibility of being introduced into the wastewater treatment system or other information which relates to the generation of waste and that said Public Works Department Head considers material for compliance by the user under this regulation and necessary to demonstrate its compliance with any applicable state or federal pretreatment standards or requirements. All periodic compliance reports must be signed and certified.

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.

If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Public Works Department Head, using the procedures prescribed in Section J, below, the results of this monitoring shall be included in the report.

E. Reports of Changed Conditions

Each user must notify the Public Works Department Head of any planned or anticipated significant changes to the user's operation or system which might alter the nature, quality, or volume of its wastewater at least 14 days before the change. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.

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The Public Works Department Head may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application. The Public Works Department Head may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

F. Reports of Potential Problems

In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Public Works Department Head of the incident as set out in Section 2(F), above.

Within five (5) days following such discharge, the user shall, unless waived by the Public Works Department Head , submit a detailed report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this regulation.

G. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by the user indicates a violation, the user must notify the Public Works Department Head within twenty-four (24) 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 Public Works Department Head within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Public Works Department Head monitors at the user's facility at least once a month, or if the Public Works Department Head samples between the user's initial sampling and when the user receives the results of this sampling.

H. Record Keeping

Users subject to the reporting requirements of this regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this regulation and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name(s) of person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. All such records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning

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the user or the Town, or where the user has been specifically notified of a longer retention period by the Public Works Department Head. A penalty of one Hundred Dollars ($100.00) per late day shall be assessed to any industrial user who does not file a periodic report on or within thirty (30) days of the date designated by the Public Works Department Head as authorized under Article I, Sec.1. of the Town of Southbridge ByLaws (amended 3/11/91).

In accordance with Federal regulations, any information submitted to the Town of Southbridge, the Commonwealth of Massachusetts, Department of Environmental Quality Engineering and the Environmental Protection Agency may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words, "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information.

If no such claim is made at the time of submission, the Town or the Environmental Protection Agency may make the information available to the public without further notice. If a claim is asserted at the time of submission, the information will be treated as confidential and subject to the Federal restrictions governing confidential business information. Information and data which is provided to the Publicly Owned Treatment Works (POTW) Supervisor which is effluent data shall not be considered confidential and shall be available to the public without restriction. All other information submitted to the Commonwealth of Massachusetts or to the POTW Supervisor which is not asserted to be confidential shall be available to the public subject to the especial Federal rules and restrictions governing certain information obtained under the provisions of the Clean Water Act.

(I) Monitoring

The owner or operator of any premises or facility discharging industrial wastewater into the wastewater treatment system shall, if required, install at his own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of their waste. Said installation and maintenance may be of the users own equipment or by subcontract to a firm certified by the Commonwealth to provide such services. Such equipment shall be maintained in proper working order and kept safe and accessible at all times. Such equipment shall at all times be available by the Public Works Department Head or his authorized agent. The monitoring equipment shall be located or maintained in the industrial user's premises. In the event that such a location would be impractical or cause undue hardship on the user, the Town may allow such facility to be constructed off the premises of the user but only in the event that the location of the facility will not obstruct any public utilities, landscaping or parked vehicles.

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When more than one user of facility can discharge into a common sewer, the Public Works Department Head may require installation of separate monitoring equipment for each user or facility. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Public Works Department Head may require that separate monitoring facilities be installed for each separate operation.

Whether monitoring facilities are constructed on public or private property, the monitoring facility shall be constructed in accordance with the Town's requirements and applicable construction standards and specifications of said construction shall require the approval of the Town.

(J) Sampling and Analysis

1. Compliance Determination Sampling

Compliance determinations with regard to the prohibitions and limitations contained in Article III, Sec. 3 or 4 , shall be made on the basis of discrete and composite samples of wastewater. Samples shall be taken hourly over a twenty-four (24) hour period, or over a longer or shorter time span, as is determined necessary by the Public Works Department Head. Compliance sampling and testing shall be done by the Town. Significant Industrial Users shall be notified if necessary. Industries being monitored by the Town shall be offered up to 50% of the wastewater samples for independent testing purposes. The industry is required to notify the Supervisor at least twenty-four (24) hours prior to the monitoring period if a portion of the sample is desired.

All sampling and analysis of industrial wastewater samples shall be performed in accordance with 40 CFR 136.

Sampling and analysis of industrial wastewater by the Town for the purpose of compliance determination with respect to Article VI, Sec. 1, will be done at such intervals as the Public Works Department Head may designate.

The town will sample each SIU for restricted pollutants, at least once a year, as part of the scheduled monitoring activities described above. The town will also monitor plant influent, effluent and sludge at least once a year, to determine the success of the Industrial Pretreatment Program.

2. Self-monitoring Sampling

All significant industrial users shall submit a periodic report at such intervals, minimally semiannually, or more frequently as designated by the Public Works Department Head. Self-monitoring sampling shall be made on the basis of discrete and composite samples of wastewater. Samples shall be taken during hours of production wherever production

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is not 24 hours per day. However, for certain pollutant parameters, composite sampling is inappropriate and for batch dischargers, composite sampling may not be representative. Batch discharge sampling methods shall be approved by the Public Works Department Head.

The Public Works Department Head shall notify each Significant Industrial User of his monitoring parameters. The parameter limits will be per categorical standards as specified by federal, state regulations or this Pretreatment Regulation. Self-monitoring sampling shall be carried out by the industries involved, however, if the Town is sampling an industrial user for compliance determination within two (2) weeks of the self- monitoring, the sampling results conducted by the Town may be part of the industry's self-monitoring program if a letter of authorization is given to the Public Works Department Head by an authorized representative of the Significant Industrial User.

Reports of the results of self-monitoring shall be sent to the Public Works Department Head and postmarked on or before the 10th day of the month following the period being reported.

Any Significant Industrial User who has four (4) consecutive samples that do not violate the prohibited and/or limited wastewater values cited in Appendix I or II of this regulation shall have his/her self monitoring sampling work evaluated by the Public Works Department Head within 10 calendar days of the submittal of the self monitoring data to the Town. At that time the Public Works Department Head shall notify the subject industrial user in writing if there are any changes in the required number of self monitoring parameters to be monitored under the Pretreatment Program.

3. Unscheduled and Demand Monitoring

Unscheduled and demand monitoring shall be carried out as determined necessary by the Public Works Department Head. All unscheduled monitoring shall be done and paid for by the Town.

SECTION 4. Industrial Wastewater Discharge Permits

(A) Wastewater Discharge Permits

All industries in the Town of Southbridge shall complete and file a Town of Southbridge, Massachusetts Industrial Wastewater Discharge Permit Application with the Public Works Department Head.

Based on the information provided by the industrial user and any additional available information, the Public Works Department Head shall determine which industries are "significant" and shall issue an Industrial Wastewater Discharge Permit to each Significant Industrial User. The fee for the permit shall be fifty ($50.00) Dollars.

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All industrial users shall apply for an Industrial Wastewater Discharge Temporary Permit within thirty (30) days of the date of enactment of this Regulation. A temporary permit shall be obtained by completion and filing of the Permit Application.

New industrial users shall file for an Industrial Wastewater Discharge Permit prior to the commencement of plant operations.

The tabulations of "significant" users shall be kept on file at the Southbridge Wastewater Pollution Control Facility.

An industry may be required to submit any additional information as may be deemed necessary by the Supervisor to be necessary to evaluate the permit application.

(B) Permit Conditions

Wastewater discharge permits shall be expressly subject to all provisions and requirements of this Regulation, all federal and state laws, and must include information detailed in 40 CFR 403.8 (f)(1)(iii)(C), (D), and (E), and all user charges and fees established by the Town. The permit may include, but are not limited to any of the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.

(2) The average and maximum wastewater constituents and characteristics.

(3) Limits on rate and time of discharge or requirements for flow regulations and equalization.

(4) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs.

(5) Requirements for maintaining and submitting technical reports and records relating to wastewater discharges.

(6) Compliance schedules.

(7) Total number of shifts and hours of operation.

(8) other conditions to ensure compliance with this Regulation, E.P.A., state and/or local pretreatment discharge limitations.

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(C) Duration of Permits

Permits shall be issued for a period of five (5) years. It shall be the responsibility of the user to apply in writing for a renewal of the permit. The renewal application shall state if any conditions as stated in the Industrial Wastewater Discharge Permit Application have changed. The permit fee shall accompany the permit renewal application.

The terms and conditions of the permit may be subject to modification and change by the Town prior to expiration of the permit.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The Town reserves the authority to deny or condition new or increased discharges in accordance with 40 CFR 403.8 (f)(1)(i).

(D) Transfer of a Permit

A wastewater discharge permit shall not be reassigned or transferred or sold to any other person and shall not be transferred to new premises, or to a new or revised operations. Modifications to the user's method of operation that could effect the user's wastewater characteristics shall require the completion and filing of a new application for an Industry's Wastewater Discharge Permit.

(E) Revocation of Permit

Any violations of this Regulation or the conditions of a permit may result in the revocation of the permit. Specific examples of violations which may result in revocation of a permit include, but are not limited to the following:

(1) Failure of a user to accurately report the wastewater constituents and characteristics of that user's discharge.

(2) Failure of the user to report significant changes in operations that could effect the user's wastewater constituents and characteristics.

(3) Refusal of the user to permit reasonable access to the user's premises for the purpose of inspection or monitoring.

(4) Ineffective and improper operation and maintenance of the user's monitoring, sampling or pretreatment facilities.

(5) Deliberate and/or continued discharge of a wastewater to the wastewater treatment system which violates the user's permit conditions.

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SECTION 5. Publication of Users in Significant Noncompliance

The Public Works Department Head shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violations that the Public Works Department Head believes 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 pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Works Department Head exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) days after the due date, any required reports, including a baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the Public Works Department Head determines will adversely affect the operation or implementation of the local pretreatment program.

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SECTION 6. Enforcement Procedures

(A) Notification of Violation

Whenever any person has violated this Regulation, or any prohibition, limitation or requirement contained herein, or the conditions of a permit, depending on the type, duration, magnitude, etc. of the violation, the Town may send a written notice to that person stating the nature of the violation. The violator then shall within a reasonable period of time, not to exceed forty-five (45) days, submit to the Town an acceptable Compliance Schedule stating his/her corrective action to mitigate the wastewater discharge violation.

(B) Compliance Schedule

(1) A compliance schedule shall be developed by an applicant and submitted to the Town which states the procedural method that will be followed to correct a discharge violation. The applicant shall develop a schedule of events with specific calendar dates for completion of specific tasks that will address the correction of the wastewater discharge violation.

The compliance schedule shall at a minimum consist of a time schedule for the completion of the following tasks.

a) Study Phase
b) Design Phase
c) Construction Phase

(2) Study Phase

The study phase shall consist of a written report. The report shall be written signed and dated by the violator's authorized representative and submitted to the Town. It shall address the following areas:

a) Existing condition that caused the violation.

b) Future conditions that might cause a reoccurrence of the violation.

c) Alternatives including in plant changes that will mitigate future violations.

d) Selected alternative to mitigate the violation.

e) Time schedule necessary to bring the violator into compliance with the Pretreatment Regulation.

(3) Design Phase

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If the recommendations of the Study Phase are to design facilities to treat wastewater that discharges to the municipal sewer system, the compliance schedule shall include a time schedule for design services.

(4) Construction Phase

If the recommendations of the Study Phase are to construct new or modify existing wastewater treatment facilities, the compliance schedule must also include a time schedule for construction as part of the violator's compliance schedule.

(5) The schedule shall be reviewed by the Town and, if acceptable, shall be incorporated into an administrative order. The Town reserves the authority to enforce the schedule and require all deadlines to be met.

(C) Order for Disconnection of Sewer Service and Revocation of Permit

Under Article VII, Section 1., the Town may immediately and effectively halt or prevent any discharge which the Town deems as an endangerment. Should the Town deem the violation as not an imminent endangerment, the Town may:

(1) In the event that the violation is not corrected within the time period prescribed in an acceptable compliance schedule, the Town may order any person who causes or allows an unauthorized discharge or a discharge in violation of this Regulation, after notice and hearing, to be disconnected from the sewer service.

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A notice shall be served upon the offending party, specifying the time and place of a hearing to be held by the Town Manager regarding the violation, and directing the offending party to appear at said hearing.

The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing date. Service of said notice of hearing may be made on any agent or officer or a corporation, business or firm.

(2) The Town Manager of the Town of Southbridge shall conduct the hearing and take evidence concerning the violation of this Regulation by the user.

The Town Manager shall be empowered and authorized to take the following action before, during, or after the hearing:

(a) Issue in the name of the Town, notices of hearing requesting the attendance and testimony of witnesses, issue subpoenas, and issue notices for the production of evidence relative to any matter involved in any such hearings.

(b) Make a transcript of the hearing and/or any evidence offered at the hearing.

(c) Transmit a report of the hearing, including transcripts and evidence, together with recommendations to the appropriate officials of the Town for action thereon.

(3) At any public hearing, testimony taken before the Town Manager shall be recorded stenographically or by other reliable means accepted by the Courts. The transcript shall be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(4) After the Town Manager has reviewed the evidence, said Manager may issue an order to the party responsible for the discharge directing that, following a specified time, the sewer service be disconnected and discontinued. Said Town Manager shall make such further orders and directives as are necessary and appropriate to carry out the purpose of this Regulation.

(D) <u>Injunctive Relief</u>

If any person discharges wastewater or other waste into the Town wastewater treatment system contrary to the provisions of this Regulation, or any order of the Town Manager, the Town may commence an action for legal and/or equitable relief including injunctive relief in the appropriate court.

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ARTICLE VII

Penalties

Sec. 1. Any person found to be violating any provision of these regulations may be served by the Town 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. If the Town deems a violation as causing immediate and imminent endangerment to persons or the treatment facilities, the Town shall verbally notify the violator to immediately and effectively halt or prevent any discharge to the system.

Sec. 2. Any person who is found to have failed to cease all violations as defined in these Regulations, whether intentionally, unintentionally or accidentally, or who violates any provision of these regulations or a rule or regulation of the Town, may be assessed a civil penalty of up to five Thousand Dollars ($5,000) per day of violation. In addition, any person found to be in violation of these regulations may be fined an administrative penalty not less than $300.00 for each violation per day and the Town may recover reasonable attorney's fees, court costs, treatment costs, and other expenses of litigation in any suit commenced by the Town against a person who is adjudged to have violated this regulation or the orders, rules and regulations issued hereunder. Each day in which any such violation shall continue shall be deemed a separate violation for purposes of both the civil penalty and the fine provisions of this section. Exceeding daily pretreatment standards will be deemed a separate violation as to each effluent characteristic identified in Article III, or regulated by federal or state categorical pretreatment standards.

<u>Criminal Prosecution: 53 Federal Register 40562</u>

General Violation:

Any user who willfully or negligently violates any provision of these regulations should, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000) per violation per day or imprisonment for not more than one year or both.

In the event of a second conviction, the user should be punishable by a fine not to exceed three thousand dollars ($3,000) per violation per day or imprisonment for not more than three years or both.

Falsifying Information:

Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, industrial discharge permit or other order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required, should, upon conviction be punished by a fine of not more than one thousand dollars ($1,000) per violation per day or imprisonment for not more than one year or both.

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In the event of a second conviction, the user should be punishable by a fine not to exceed three thousand dollars ($3,000) per violation per day or imprisonment for not more than three years or both.

Sec. 3. All expenses for user testing and monitoring to assure compliance with this Regulation or any orders issued hereunder shall be at the sole expense of the user.

Sec. 4. Any person violating any of the provisions of these regulations shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

Sec. 5. In exercising its authority to halt or prevent discharges under Article VI, Section 1 or in enforcing applicable penalties, the Town will follow the guidelines of 40 CFR 403.8.

Sec. 6. The Town, pursuant to appropriate filing, may place a lien upon the property or premises for which sewer use charges, service charges, fees or penalties are more than 60 days overdue. Notwithstanding such lien any overdue sewer use charge or service charge may be collected through any legal means.

Sec. 7. Any person who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, or permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be penalized according to the established enforcement and penalty provisions of these regulations.

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ARTICLE VII
Validity

If any section, subsection, sentence, word, clause, phrase or portion of this Regulation is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this Regulation.

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

Passed and approved by the Town Manager of the Town of Southbridge, Massachusetts, on the day of 199

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APPENDIX I

EFFLUENT LIMITS

DISCHARGES IN EXCESS OF THESE LIMITS ARE PROHIBITED
IN ACCORDANCE WITH ARTICLE III, SEC.3, (A)&(B)

	Uniform Concentration (mg/l)
Arsenic	1.82
Chromium	6.22
Copper	0.40
Cyanide	1.56
Lead	0.25
Mercury	0.01
Nickel	5.29
Silver	0.04
Zinc	1.62

Note:

1) Metal concentrations represent total metal limits (i.e., sum of dissolved and suspended forms).

	Maximum Allowable Headworks Loading Limit (pounds/day)
Cadmium	0.09 pounds/day**

** In no case shall the discharge from the Town's industrial user(s), either alone or in conjunction with discharges from other user(s), cause the influent headworks loading at the POTW exceed this limit. In maintaining this limit at the headworks to the POTW, the DPW Director shall have the authority to develop specific maximum allowable discharge limits to be imposed on each individual industrial user. These limits shall be implemented as part of each user's Industrial User Discharge Permit to ensure that the Maximum Allowable Headworks Loading Limit is not exceeded. The specific limits incorporated into each Industrial User Dischage Permit shall be applicable at the point of discharge into the public sanitary sewer system.

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APPENDIX II

EFFLUENT LIMITS SUBJECT TO SURCHARGE

A. Discharges in excess of these limits are in accordance with Article III, Sec. 3. (C) and will be subject to surcharge in accordance with Article VI, Sec. 2, (A)(2).

BOD^5	250 mg/l
SS	250 mg/l
NH_3-N	24 mg/l
COD	500 mg/l

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