

SEWER DIVISION REGULATIONS
OF THE BOARD OF PUBLIC WORKS
TOWN OF NORTH ATTLEBOROUGH

Revised: July 1992

Revised: April 2003

Revised February 2004

Revised January 2013

Revised May 2014

The following regulations are a part of the contract with every person who contributes sanitary and/or industrial wastes to the municipal sewer system, and govern the relations between the Sewer Division and its consumers.

SECTION 1

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:

1. "Act" or "The Act" – The Federal Water Pollution Control Act, also known as the clean water act, as amended, 33 U.S.C. 1251, et. seq.
2. "The Applicant" – Any person requesting approval to discharge wastewaters into the municipal facilities or a new connection to the Wastewater works.
3. "Approval Authority" – The Director in an NPDES state with an approved state pretreatment program or the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.
4. "Authorized Representative of Industrial User" – (1) A principal executive officer of at least the level of Vice President, if the Industrial user is a corporation. (2) A general partner or proprietor if the Industrial user is a partnership or proprietorship, respectively. (3) A duly authorized representative of the individual designate above if such representative is responsible for the overall operation of the facilities from which the wastewater discharge originates.

5. "Best Management Practices" – Practices such as preventive maintenance, scheduling of activities, or process alterations which enable the user to comply with the provisions of this ordinance or any applicable State and/or Federal guidelines.
6. "BOD" – (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degree C, expressed in milligrams per liter.
7. "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 buildings and convey it to the building sewer, beginning ten (10) feet outside the inner face of the building wall.
8. "Building Sewer" – Shall mean the extension from the building drain to the public sewer or other place of disposal.
9. "Categorical Industrial User" – Any Industrial User of the POTW who discharges wastes subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and CFR Chapter I, Subchapter N.
10. "Combined Sewer" – Shall mean a sewer receiving both surface runoff and sewage.
11. "Compatible Pollutants" – Wastewater constituents for which the POTW was designed or is operated to adequately treat.
12. "Cooling Water" – The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
13. "Control Authority" – The approval authority, defined herein above; or the Superintendent if the Town has an approved Pretreatment Program under the provisions of 40 CFR 403.11.
14. "Discharge Document" – Either the previously negotiated agreements or a wastewater discharge permit and shall include the criteria for discharge to the POTW.
15. "Domestic Wastes" – The 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.
16. "Excessive" – Amounts or concentrations of a constituent of a wastewater which in the judgment of the Superintendent (A) will cause damage to any Town facility; (B) will be harmful to a wastewater treatment process; (C) cannot be removed in the Town treatment works to the degree required to meet the limiting stream classification standards of the Ten Mile River and/or EPA and State effluent standards; (D) can otherwise endanger life, limb or public property; or (E) can constitute a nuisance.

17. “Facilities” – Structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposal of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outfall and outlet sewers and pumping stations intercepting, outfall and outlet sewers and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.
18. “Garbage” – The animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.
19. “Grab Sample” – A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.
20. “Hazardous Waste” – A waste with properties that make it dangerous or capable of having a harmful effect on human health and the environment as defined in 40 CFR 261.3. Under the RCRA program, hazardous wastes are specially defined as wastes that meet a particular listing description or that exhibit a characteristic of hazardous waste.
21. “Holding Tank Waste” – Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
22. “Indirect Discharge” – The discharge of the introduction of non-domestic pollutants from any source regulated under Section 307 (B) or (C) of the act (33 USC 1317), into the POTW; (including holding tank waste discharged into the system).
23. “Industrial User” – A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act 33 USC 1342.
24. “Industrial Discharge Permit” – The permit required to be obtained from the Town of significant Industrial users to discharge to the POTW, as set forth in Section 3 of these regulations.
25. “Industrial Wastewater” – All water-carried wastes and wastewater excluding domestic wastewater and unpolluted water. Includes all wastewater from any producing, manufacturing, processing, testing, institutional, commercial, discharged includes non-domestic wastes.
26. “Industrial Wastes” – Shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

27. "Interference" – A discharge by an industrial user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which 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 by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulation): 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 or the SWDA), the Clean Water Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.
28. "National Categorical Pretreatment Standard" – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and (C) of the Act and 40 CFR Chapter I, Subchapter N, Parts 405-471 which applies to a specific category of industrial users.
29. "National Pretreatment Standard" or "Pretreatment Standard" or "Standard" – Regulation promulgated by the Commonwealth of Massachusetts or local agencies or by EPA in accordance with Section 307 (B) and (C) of the Clean Water Act, including the National Categorical Pretreatment Standards in 40 CFR Parts 405-471, the general and specific prohibitions described in 40 CFR 403.5 and the local limits.
30. "National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard" – Any regulation developed under the authority of 307 (B) of the Act and 40 CFR, Section 403.5.
31. "Natural Outlet" – Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
32. "National Pollutant Discharge Elimination System" or "NPDES Permit" – A permit issued pursuant to Section 402 of the Act (33 USC 1342).
33. "New Source" – Any building, structure, facility or installation from which there is or may be a discharge of pollutants: The construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (C) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section.
34. "Noncontact Cooling Water" – Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.
35. "Normal Operating Day" – A 24 hour day in which the standard and routine operations and work of the facility is conducted. It would include, but is not limited to: daily cleaning, routine maintenance and production. It would not include: work stoppages,

scheduled and unscheduled shutdowns, holiday schedules, major cleanups and the like.

36. "Oil and Grease" – Any material (animal, vegetable or hydrocarbon) which is extractable from an acidified sample of a waste by Freon or other designated solvent and as determined by the appropriate standard procedure.
37. "Pass-Through" – The discharge of pollutants through the POTW into navigable waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, are 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).
38. "Person" – Shall mean any individual, firm, company, association, society, corporation or group.
39. "PH" – Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in gram per liter of solution.
40. "Pollution" – The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
41. "Pollutant" – Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat wrecked or discharged equipment, rock sand cellar dirt or industrial, municipal or agricultural waste discharged into water.
42. "Pretreatment of Treatment" – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less than harmful state prior to or in lieu of discharging or otherwise introducing such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes other than the above means, except as prohibited by 40 CFR Section 403.6 (D).
43. "Pretreatment Requirements" – Any substantive or procedural requirements related to Pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.
44. "Properly Shredded Garbage" – Shall mean the wastes from the preparation, cooking and dispensing of foods 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 (91.27 centimeters) in any dimension.
45. "Public Sewer" – Shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

46. "Publicly Owned Treatment Works" or "POTW" – The Town owned treatment works, as defined in Section 212 of the Act (33 USC 1292). This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the Town's POTW.
47. "POTW Treatment Plant" – Shall mean that portion of the POTW designed to provide treatment to wastewater.
48. "Receiving Waters" – Any watercourse, river, pond, ditch, lake, aquifer or other body of surface of groundwater receiving discharge of wastewaters.
49. "Sanitary Sewer" – Shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
50. "Septage" – The sludge produced in individual domestic on-site wastewater disposal systems, such as septic tanks and cesspools.
51. "Sewage" – Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.
52. "Sewer Connection" – A sewer pipeline running laterally from a street sewer, an off-street or a trunk sewer to an individual tract or parcel of land to serve one or more housed or other buildings, whether or not connected to any house or building.
53. "Sewage Treatment Plant" – Shall mean any arrangement of devices and structures used for treating sewage.
54. "Sewage Works" – Shall mean all facilities for collecting, pumping, treating and disposing of sewage.
55. "Sewer" – Shall mean a pipe or conduit for carrying sewage.
56. "Shall" – Is mandatory, "May" is permissive.
57. "Significant Industrial User" or "Significant User" – Any industrial user of the POTW who (A) is classified as a "Categorical Industrial User", or (B) has an average discharge flow of 25,000 gallons or more per normal operating day, or (C) contributes a flow or organic load which is 5 percent or more of the average dry weather flow and load to the POTW, or (D) is found by the Town, State Control Agency, or the U.S. Environmental Protection Agency (EPA) to have reasonable potential for significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the system's effluent quality or air emissions generated by the system.

58. "Significant Noncompliance" – Any industrial user is in Significant Noncompliance if it violates, at any time during the previous 12 months, one or more of the violation criteria of 40 CFR 403.8(f)(2)(vii).
59. "Slug" – Shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
60. "Standard Industrial Classifications (SIC) – A classification pursuant to the standard industrial classification manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
61. "Standard Laboratory Procedures" – Those methods outlined in the most recent edition of the EPA manual methods for chemical analysis of water and wastes, and/or the APHA, AWWA, WPCF Publication standard methods for the examination of water and wastewater or in 40 CFR 136.
62. "State" – Shall mean the Massachusetts Division of Water Pollution Control.
63. "Storm Drain" – (Sometimes termed "Stormed Sewer") – Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
64. "Superintendent" – Shall mean the Sewer Department and/or Water Pollution Control of the Town of North Attleborough, or his authorized Deputy, Agent or Representative.
65. "Suspend Solids" – 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.
66. "Toxic Substances" – Any substance or mixture, whether gaseous, liquid or solid, which when discharged into the sewer system, may tend to interfere with any wastewater treatment process, constitute a hazard to human beings or animals, inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from POTW.
67. "Town" – Shall mean the Town of North Attleborough.
68. "Unpolluted Water" – Water whose discharge will not cause any violation of receiving water standards of the Commonwealth of Massachusetts.
69. "Upset" – An incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards or the provisions of these regulations because

of factors beyond the control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

70. "User" – Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

71. "Wastes" – Substances in liquid, solid or gaseous form that can be carried in water.

72. "Wastewater" – The spent water of a community which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

73. "Watercourse" – Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

74. "Abbreviations" – The following abbreviations shall have the designated meanings:

BOD	-Biochemical Oxygen Demand
CFR	-Code of Federal Regulations
EPA	-Environmental Protection Agency
MG/L	-Milligrams Per Liter
NPDES	-National Pollutant Discharge Elimination System
O/G	-Oil and Grease
POTW	-Publicly Owned Treatment Works
SIC	-Standard Industrial Classification
TTO	-Total Toxic Organics
TSS	-Total Suspended Solids
USC	-United States Code

SECTION 2

BUILDING SEWERS AND CONNECTIONS

1. CONDITIONS UNDER WHICH SERVICE IS FURNISHED
 - The Town of North Attleborough and its representatives are not liable for interruption of service nor damage resulting therefrom.
 - The North Attleborough Sewer Division provides sewer collection service and does not guarantee continuous service. No responsibility will be assumed for any damage to any fixture or apparatus in a house or building due to a break in the underground piping or other necessary repair or maintenance activities.
 - No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage of collection occasioned by accident or repairs to any portion of the system, nor for stoppages for the purpose of sewer extensions or repairs, nor for the non-use of the sewer occasioned by physical absence or any other reason.
 - The Board of Public Works and its duly authorized representatives or agents shall not be liable for accident or injury of any kind caused by, or growing out of the use or failure of Town sewer.
2. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Director or the duly authorized agent.
3. There shall be two (2) classes of building sewer permits,
 - for residential/commercial service of sanitary sewer discharge only, and
 - for service to establishments producing industrial wastes as defined in Section 3A of these regulations. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit applications or other information considered pertinent in the judgment of the Town. A permit and inspection fee of fifty dollars for a residential or commercial building sewer permit and fifty dollars for an industrial building permit shall be paid to the Town at the time the application is filed.
4. All costs and expense incident of 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.
5. 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, courtyard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer

A private building sewer with more than one user must have easement documents on file with the Registry of Deeds showing shared ownership and maintenance responsibilities for the sewer.

6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town to meet all requirements of these rules and regulations.
7. 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 NEIWPC Technical Report #16 (Guide for the Design of Wastewater Treatment Works) and ASCE/WPCF Manual of Practice No. FD-5 (Gravity Sanitary Sewer Design and Construction) shall apply.
8. For all new sewer connections without an existing or proposed water meter, a meter shall be installed, per Water Division regulations, at the property owner's expense.
9. 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.
10. No person shall make connection of roof downpour, exterior foundation drains, area way drains or other sources of surface runoff or ground water to a building sewer or indirectly to a public sanitary sewer. All such connections to any existing building sewer must be disconnected from said building sewer before it is connected to the public sanitary sewer.
11. 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 NEIWPC Technical Report #16 (Guide for the Design of Wastewater Treatment Works) and ASCE/WPCF Manual of Practice No. FD-5 (Gravity Sanitary Sewer Design and Construction). All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.
12. The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director of Public Works or his representative.

13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public. Property disturbed in course of the work shall be restored in a manner satisfactory to the Town.
14. All sewer mains shall extend along the entire frontage of any property to which a sewer service is to be provided.
15. Property owners will be billed and held responsible for all sewer charges until such time as they shall notify the Sewer Division at its office, in writing that they no longer desire the connection to sewer, and in case of the sale of the property such notice shall give the name and address, if different, of the new owner. Any outstanding charges shall remain with the property upon transfer of ownership.
16. Customers must contact the Sewer Division to schedule a final billing for property transfer one week in advance of property closing. A final fee payment is required via cash, credit/debit card or certified check at the time of scheduling of a final bill. All customers requesting a final bill will be required to supply a forwarding address, and complete a transfer of ownership form with the name and mailing address of the new owner. Final Bills must be paid via cash, credit/debit card, or certified check prior to the issuance of a final bill receipt.
17. All applicants for a new sewer service will be charged the minimum rate from the date the sewer is connected, whether the sewer is used or not.
18. All claims for adjustments of sewer bills shall be made within forty-five days of the invoice date.
 - Customers who request an adjustment or abatement of their utility bill must complete a request for abatement form.
 - Requests for abatements due to leaks shall be calculated in accordance with the Board of Public Works abatement policy.

SECTION 3

USE OF PUBLIC SEWERS

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.
2. (A) 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 EPA. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town to a storm sewer or combined sewer or to a natural outlet on approval by EPA. A discharge to a natural outlet may require an NPDES Permit.

(B) Except where expressly authorized to do so by an applicable pretreatment standard, no user shall ever increase the use of process water or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard. The control authority may impose mass limitations on industrial users, which are using dilution to meet applicable pretreatment standards, or in other cases where the imposition of mass limitations is appropriate.
3. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State or Local Pretreatment Standards or requirements. A user may not contribute the following substances to any POTW.

(A) Any liquids, solids or gases which by reason of nature or 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 POTW or to the operation of the POTW. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit, or 60 degrees Centigrade, using test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, ethylene, ethers, alcohols, ketones, aldehydes, peroxides chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which are a fire hazard to the system.

- (B) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the Wastewater Treatment Facilities such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (C) Any wastewater having a pH less than 5.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (A) of the Act.
- (E) Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance repair.
- (F) Any substance which may cause POTW's effluent or any other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management being used.
- (G) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the Receiving Water Quality Standards.
- (H) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (I) Any wastewater having a temperature which will inhibit biological activity in the POTW Treatment Plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degree C (104 Degree F).

- (J) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.

In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operations.

- (K) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal regulations.
- (L) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (M) Any sludge resulting from the pretreatment of waters or wastewaters.
- (N) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (O) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (P) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
- (Q) Hazardous waste or wastewater resulting from the treatment of hazardous waste as designated under state or federal law including 310 CMR and 40.00 and 40 CFR 261.

- 4. No person shall discharge or cause to be discharged the following described substances, materials, waters or waste if it appears likely in the opinion of the Town 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 Town 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 sewage treatment plant and other pertinent factors.

The substances prohibited are:

- (A) Any liquid or vapor having a temperature higher than one hundred fifty (150 degree) F (65 degree) 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 degree) F (0 and 65 degrees) C.
 - (C) Any water or waste containing petroleum oil, non-biodegradable cutting oil, and products of mineral oil origin in excess of 15 mg/l.
5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters containing the substances or possess the characteristics enumerated in Section 4 of this Article and which in the judgment of the Town, 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 Town 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 and/or
 - (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.

If the Town 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 Town and subject to the requirements of all applicable codes, rules and regulations and laws.

Appeals from a decision of the Sewer Department under Section 4 and 5 of these rules and regulations must be filed with the hearing board no later than 10 days from receipt of written notice of said decision.

6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Department, 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 Sewer Department and shall be located as to be readily and easily accessible for cleaning and inspection.

7. All Industrial Users shall provide prior notification to the Town of any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater or wastewater treatment system.
8. All Industrial Users shall notify the Sewer Department, EPA, and Massachusetts DEP in writing of any discharge to the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification shall meet the requirements of 40 CFR 403.12(p).
9. Any Industrial User, when not in compliance, shall develop a compliance schedule for the installation of the required technology to meet all applicable Pretreatment Standards and requirements.
10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern except when such an agreement or arrangement would constitute a violation of a General Pretreatment Regulation.

SECTION 3 A

INDUSTRIAL DISCHARGE PERMIT

1. INDUSTRIAL DISCHARGE PERMIT - All significant Industrial users proposing to connect to or contribute to the POTW shall obtain an Industrial Discharge Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain an Industrial Discharge Permit within 180 days after the effective date of these regulations.

2. PERMIT APPLICATION - Users required to obtain an Industrial Discharge Permit shall complete and file with the Town, an application in the form prescribed by the Town and accompanied by a fee of \$25.00. Existing users shall apply for an Industrial Discharge Permit within 30 days after the effective date of these regulations and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the users shall submit, in units and terms appropriate for evaluation, the following information.
 - (A) Name, address and location (if different from the address).
 - (B) SIC number according to the standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
 - (C) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 3 and 4 of these regulations as determined by an approved analytical laboratory: Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136, as amended.
 - (D) Time and duration of contribution.
 - (E) Average daily and 3 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.
 - (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, locations and elevation.
 - (G) Description of activities, facilities and plant processes on the premises including all materials, which are or could be discharged.
 - (H) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional operations and maintenance

(O & M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards.

- (I) If additional Pretreatment and/or O & M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional Pretreatment must be followed. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
 - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing prelim plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - 2. No increment referred to in sub-paragraph (1) shall exceed 9 months.
 - 3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Sewer Department including, a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date of which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Sewer Department.
- (J) Each product produced by type, amount, process or processes and rate of production.
- (K) Type and amount of raw materials processed (average and maximum per day).
- (L) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (M) The Pretreatment Standards applicable to each regulated process.
- (N) A certification statement, signed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment standards are being met on a consistent basis. Statement shall include the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate

the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (O) Any other information as may be deemed by the Sewer Department to be necessary to evaluate the permit application.
 - (P) A list of any environmental control permits held by or for the facility.
3. PERMIT MODIFICATIONS - Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard, where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application of an Industrial Discharge Permit as required by Section 3A, Section 1, the user shall apply for an Industrial Discharge Permit within 180 days after the effective date of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing Industrial Discharge Permit shall submit to the Sewer Department within 180 days after the effective date an applicable Federal Categorical Pretreatment Standard the information required in 40 CFR 403.12(b)(1)-(7).
4. PERMIT CONDITIONS - Industrial Discharge Permits shall be expressly subject to all provisions of these regulations and all other applicable regulations, user charges and fees established by the Sewer Department. Permits may contain the following:
- (A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW,
 - (B) Limits on the average and maximum wastewater constituents and characteristics,
 - (C) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization,
 - (D) Requirements for installation and maintenance of inspection and sampling facilities,
 - (E) Specifications for monitoring program which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule,
 - (F) Compliance schedules,

- (G) Requirements for submission of compliance schedule or periodic compliance reports,
- (H) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Sewer Department, and
- (I) Requirements for prior notification to the Town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater or wastewater treatment system.
- (J) Requirements for notification of slug dischargers, including development of a slug control plan meeting the requirements of 40 CFR 403.8(f)(2)(v).
- (K) Other conditions as deemed appropriate by the Sewer Department to ensure compliance with these regulations,
- (L) Effluent Limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits and State and local law.

5. PERMITS DURATION - Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Sewer Department during the term of the permit as limitations or requirements as identified in Section 3A, Section 3 are modified or other just cause exists.

The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

6. PERMIT TRANSFER - Industrial Discharge Permits are issued to a specific user for a specific operation. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Sewer Department. Any succeeding owner or user shall also comply with the terms and conditions of the permit in existence prior to the time of transfer.
7. COMPLIANCE DATE REPORT - Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and requirements shall submit to the Sewer Department a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards or requirements. The report shall state whether the applicable Pretreatment Standards

or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pre-standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.

Compliance Date Report shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

8. PERIODIC COMPLIANCE REPORTS - Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Sewer Department during the months of June and December unless required more frequently in the Pretreatment Standard or by the Sewer Department, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average daily flow reported in Paragraph (E) of Section 2. At the discretion of the Sewer Department and in consideration of such factors as local high or low flow rates, Holidays, budget cycles, etc., the Sewer Department may agree to alter the months during which the above reports are to be submitted.

In cases where the Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.

Periodic Compliance Reports shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

9. **SELF-MONITORING REPORTS** - All significant industrial users, whether subject to a Categorical Pretreatment Standards or not, must submit a self-monitoring report. If a self-monitoring report is required, the reporting schedule and requirements will be on each Industrial Discharge Permit. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass, where requested by the Sewer Department, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Industrial Discharge Permit and for industrial users subject to Categorical Pretreatment Standards, shall not be less frequent than prescribed in Section 8 of this Section. All analysis shall be performed in accordance with procedures established by the Administrator of EPA pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator of EPA. Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, “Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants, April 1977” and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of EPA.

In cases where a local limit requires compliance with a Best management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the Significant Industrial User.

If sampling performed by an Industrial User indicates a violation, the user shall notify the Sewer Department within 24-hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results to the Sewer Department within 30 days after becoming aware of the violation.

10. **ACCIDENTAL DISCHARGES** - Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by these regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner of user’s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. All existing users shall complete such a plan within 90 days after the effective date of

these regulations. No user who commences contribution to the POTW after the effective date of these regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of these regulations. In case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of the discharge, type of waste, concentration and volume and corrective actions.

Within five (5) days following an accidental discharge the user shall: submit to the Sewer Department a detailed written report describing the cause 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, fish kills or any other damage to person or property: nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Section or other applicable law. A notice shall be permanently posted on the user's bulletin board or other prominent place-advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees, who may cause or suffer such a dangerous discharge to occur, are advised of the emergency notification procedure.

11. SLUG DISCHARGE REPORT

- (A) Each industrial user shall be evaluated at least once by the Sewer Department for the need of an Accidental/Slug Discharge Control Plan. The need for an Accidental/Slug Control Plan must be determined within a year of the determination that an industrial user is classified as a Significant Industrial User.
- (B) If the Sewer Department determines an Accidental/Slug Discharge Control Plan is required, the user must provide protection from accidental sewer discharge of prohibited materials; slug discharges, defined as any discharge of a non-routine, episodic nature, including but limited to an accidental spill or a non-customary batch discharge; or other substance regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Sewer Department for review and shall be approved by the Sewer Department before construction of the facility. All existing users shall complete such a plan within 90 days after the Sewer Department determines the need for a plan.
- (C) The plan shall contain at a minimum the following elements:
 - 1. Description of discharge practices including non-routine batch discharges.

2. Description of stored chemicals.
 3. Procedures for immediately notifying the Sewer Department of accidental or slug discharges.
 4. Procedures to prevent adverse impact from accidental spills, including 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 measured and equipment for emergency response.
- (D) Review and approval of such plans and operating procedures shall not relieve the industrial user from meeting the requirements of these Rules and Regulations or the requirements of its industrial user permit.
- (E) The user must immediately notify the Sewer Department of changes that occur at the facility affecting the potential for an accidental or slug discharge, thereby allowing the Sewer Department to reevaluate the need for an Accidental/Slug Discharge Control Plan or other actions to prevent such discharges.
- (F) Each user must notify the Sewer Department of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change. The notification shall include location of the discharge, type of waste, concentration and volume and corrective actions.
- (G) Within five (5) days following an accidental discharge, the user shall submit to the Sewer Department a detailed written report describing the cause 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, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

- (H) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge,
- (I) Employers shall ensure that all employees who may cause such a dangerous discharge to occur are advised of the emergency notification procedure.

12. RECORD KEEPING

- (A) Any industrial user subject to the reporting requirements established in these regulations shall maintain records of all information resulting from any monitoring activities required by these regulations and/or the user Industrial Discharge Permit. Such records shall include for all samples:
- (1) The date, exact place, method, and time of sampling and the name (s) of the person (s) taking samples.
 - (2) The date analysis was performed.
 - (3) Who performed the analysis
 - (4) The analytical techniques/methods used, and:
 - (5) The results of such analysis.
- (B) Any industrial user subject to the reporting requirements established in these regulations shall be required to maintain for a minimum of three (3) years, all records of monitoring activities and results including documentation associated with Best Management Practices. Records shall be made available for inspection and copying by the Sewer Department and the EPA. The period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or the Town, or when requested by the Director or EPA.

13. SLUDGE DOCUMENTATION - The transportation and/or disposal of sludges generated by pretreatment shall be subject to applicable Federal, State and Local regulations. The industrial user shall be responsible for documenting the transporting and/or disposal of all pretreatment sludges. Receipts and other documentation shall be kept for a minimum of three (3) years and shall be made available to the Sewer Department upon request.

14. INTERCEPTED AND SEPARATED MATERIAL - Upon request by the Sewer Department, a user having an interceptor or separator must state specifically how the waste oil, grease, solvent, paint, etc. is disposed of and must provide evidence of such disposal service when required by the Sewer Department. Records and receipts must be kept which demonstrates that these waste materials were contained and transported in a safe manner as prescribed by the rules of regulatory agencies, including, but not limited to, the U. S. Department of Transportation and handled by reputable persons who shall dispose of all such wastes in accordance with all Federal, State and Local regulations.

15. TRUTH IN REPORTING - The reports required by this Section shall comply with the provisions of the United States code (18.U.S. C. 1001) relating to fraud and false

statements and the provisions of Section 309 (C) (2) of the ACT governing false statements, representations or certifications in reports required under the act.

16. SELF-MONITORING REGULATIONS

(A) Requirements: Periodic measurements of flow pollutant concentrations and other appropriate waste characteristics shall be made by those users specifically designated by the Sewer Department. The Sewer Department shall determine the type of sampling required. Upon request, all samples taken by the industrial user shall be divided with the Town for testing as specified by the Sewer Department. Continuous monitoring may be required in cases involving large fluctuations in quantity or quality of wastes, or if the wastewater appears to have characteristics which may damage the treatment system. The acceptability of any monitoring results shall be determined by the Sewer Department. Self-monitoring frequency, parameters and location shall be specified by the Sewer Department and stated on the user's discharge permit

(B) Monitoring Facilities: The Town shall require to be provided and effectively operated at the user's own expense, monitoring facilities consisting of necessary meters and other appurtenances to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Town may, when such location would be impractical or cause undue hardship on the user allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications.

Construction shall be completed within 90 days following written notification by the Town.

(C) Measurements: All measurements, tests and analysis of the characteristics of wastewaters to which reference is made in this ordinance shall be determined in accordance with Section 3A, Section 9 and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required by the Sewer Department, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged.

Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs, if any occur. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls from a premise is appropriate or whether a separate sample or samples should be taken). Frequency of the sampling shall be established by the Sewer Department on an individual basis and stated on the user's Industrial Discharge Permit. Any costs involved in examination and tests shall be paid by the individual industry. The Sewer Department may check these tests at his discretion.

- (D) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula [CFR 403.6(e)] in order to evaluate compliance with pretreatment standards, where an alternative concentration or mass limit has been calculated in accordance with 403.6(e), this adjusted limit along with supporting data shall be submitted to the Sewer Department.
- (E) If the user elects to perform additional sampling and analyses beyond those parameters or at a higher frequency than is required in its industrial user discharge permit, the analytical results of these analyses shall be reported to the Sewer Department.
- (F) If sampling performed by an industrial user indicates a violation, the user shall notify the Sewer Department within 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 Sewer Department within 30 days of becoming aware of the violation. Resampling by the Industrial User is not required if the Town performs sampling at the User's facility at least once a month, or if the Town performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Town received the results of this sampling, or if the Town has performed the sampling and analysis in lieu of the Industrial User.

17. TOWN INSPECTION AND SAMPLING - The Town may inspect the facilities of any user to ascertain whether the purpose of these regulations is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Director of Public Works and his duly authorized employees of the Town ready access at all reasonable times to all pertinent parts of the premises for the purposes of inspection, observation, measurement, sampling, records examination and copying, or in the performance of any of their duties. The Town and the approval authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection,

compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town, approval authority and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

18. **PRETREATMENT OF INDUSTRIAL WASTEWATERS** - Users shall provide necessary wastewater treatment as required to comply with these regulations, National Pretreatment Standards, and shall achieve compliance with all Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, Parts 405-471 within the time limitations as specified by the Federal Pretreatment Regulations.

Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Any user with a pretreatment facility discharging into a POTW may be required by the Director of Public Works or other duly authorized employees (due to complexity of treatment process or toxicity of waste) to have a certified Wastewater Treatment Plant Operator in accordance with Chapter 781 of the Acts of 1970 (Chapter 112 of the Massachusetts General Laws, Section 87BBBB).

Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review, and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under provisions of these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the User's initiation of the changes. The Sewer Department shall submit an annual report, which will summarize the data contained in all permits and the Town and the operating experience of the POTW.

Industrial users shall comply with the following maximum allowable concentrations for the constituents listed below unless the industry is required to comply with National Categorical Pretreatment Standards, in which case, the more stringent of the two will apply.

The Town reserves the right to establish more stringent limitation or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of 40 CFR Part 403.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated,

- (A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Sewer

Department may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c).

- (B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Sewer Department shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6 (e).
- (C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

MAXIMUM ALLOWABLE DISCHARGE CONCENTRATIONS

MAX. ALLOWABLE INDUSTRIAL CONCENTRATION MG/L

CONSTITUENTS	CONCENTRATION LIMITS, mg/l (l)
BOD ¹	-
TSS ¹	-
Oil & Grease, Total	100
Ammonia Nitrogen, NH ₃	12
Phosphorous, P	9.0
Aluminum, Al	2.5 ²
Arsenic, As	0.4
Cadmium, Cd	0.2/0.01 ³
Chromium, Cr	1.5
Copper, Cu	1.0
Cyanide, Cn (Total)	0.25
Lead, Pb	0.1
Mercury, Hg	0.06
Nickel, Ni	1.0
Silver, Ag	0.17
Zinc, Zn	2.5
Total Toxic Organics, TTO	-
pH	5.5 – 9.5

¹A surcharge will be applied to industrial pretreatment wastewater discharges with concentrations between 200 mg/l and 500 mg/l.

² This limit applies to all SIUs except for the Plainville WTP. The proposed mass-based local limit for the Plainville WTP is 3.8 lbs/day.

³ This limit applies to all new SIUs.

- (1) Values are daily averages based on composite samples except as otherwise prohibited by accepted laboratory sampling procedures.
- (2) Phenol is included as a component in the determination of TTO.

Upon the effective date of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than limitations imposed under these regulations for sources in that sub-category, shall immediately supersede the limitations imposed under these regulations. The Sewer Department shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

Where the POTW Treatment Plant achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Town may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards, "Consistent Removal" shall mean reduction in the amount of a pollutant or alienation of the nature of the pollutant by the Wastewater Treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(C)(2) of (Title 40 of the Code of Federal Regulations, Part 403) – "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the act. The Town may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in these regulations.

The Board of Public Works reserves the right to add, delete or amend requirements and limitations on discharges to the wastewater disposal system in accordance with Section 9 of these regulations and Massachusetts General Laws, Chapter 83, Section 10, as amended.

19. **CONFIDENTIAL INFORMATION** - Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public without restrictions unless the user specifically requests and is able to demonstrate to the satisfaction of the Sewer Department that the release of such information would divulge information, processes or methods or production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. However, these portions shall be made available, upon written requests, to governmental agencies for uses related to these regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State of any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Town as confidential shall not be transmitted to the general public by the Town until and unless a ten day notification is given to the user.

20. **HARMFUL CONTRIBUTIONS** - The Town may, after informal notice to the discharger, immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW may also, after informal notice to the discharger, halt

or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW.

Any person notified to cease discharge of a wastewater, which presents an imminent endangerment to the health or welfare of persons or the environment, or caused interference to the POTW, shall immediately stop or eliminate the contribution. In the event of failure of the person to comply voluntarily with the notice, the Town shall take such steps as deemed necessary, including immediately severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Town shall reinstate wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and measures taken to prevent any future occurrence shall be submitted to the Sewer Department within 15 days of the date of occurrence.

21. REVOCATION OF INDUSTRIAL DISCHARGE PERMIT - Any user who is in violation of these regulations, or applicable State and Federal regulations for the following reasons, is subject to having his discharge document revoked in accordance with the procedure (s) of Section 111A, Sec. 22 and Section VI, Sec. 2 of these regulations:
 - (A) Failure of a user to factually report the wastewater constituents and characteristics of his discharge
 - (B) Failure of the user to report significant changes in operations or wastewater constituents and characteristics
 - (C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring
 - (D) Violation of conditions of the permit

22. NOTIFICATION OF VIOLATION - Whenever the Town finds that any user has violated or is violating these regulations, Industrial Discharge Permit or any prohibition, limitation of requirements contained herein, the Town may serve upon such person a written notice stating the nature of violation. Notice may contain one or both of the following:
 - (A) Administrative Order – The Town may issue an Administrative Order directing the user to take specific actions to comply with these regulations, Industrial Discharge Permit, or any other prohibition, limitation of requirements contained herein, within a specified time period. The Administrative Order may provide for the suspension of the users wastewater disposal service and/or Industrial Discharge Permit pending submission of proof satisfactory to the Town the specified violations have been abated or corrected.

- (B) Show Cause Hearing – The Town may order the user to show cause before the Board of Public Works as to why the proposed enforcement actions should not be taken. Any such Show Cause Hearing shall be noticed and conducted in accordance with the provisions of Article 6, Section 3 of these regulations.
23. **FALSIFYING INFORMATION** - Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained and pursuant to these regulations or Industrial Discharge Permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations, shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months or by both.
24. **CHARGES AND FEES** - The Sewer Department may adopt charges and fees which may include:
- (1) Fees for reimbursement of costs of setting up and operating the Town's Pretreatment Program.
 - (2) Fees for monitoring, inspection and surveillance procedures.
 - (3) Fees for reviewing accidental discharge procedures and construction.
 - (4) Fees for permit application.
 - (5) Fees for filing appeals.
 - (6) Fees for consistent removal by the POTW Treatment Plant of pollutants otherwise subject to Federal Pretreatment Standards.
 - (7) Other fees as the Sewer Department may deem necessary to carry out the requirements contained herein these fees relate solely to the matters covered by these regulations and are separate from all other fees chargeable by the Town.
25. **HAULED WASTEWATER**
- (A) Under no circumstance may septic tank waste or other hauled wastes be discharged at unauthorized locations within the Town of North Attleborough collection system. All hauled waste discharges shall be approved by the Sewer Department.
 - (B) Septic tank waste may be introduced into the Town of North Attleborough Wastewater Treatment Facility only at locations designated by the Sewer Department, and at such times as established by the Sewer Department. Such

waste shall not violate any of the provisions of Article 3m Use of Public Sewers, or any other applicable Rules and Regulations.

- (C) The Sewer Department may require haulers of waste to obtain wastewater discharge permits from the Town.
- (D) The disposal of hauled industrial waste is strictly prohibited.

26. COMPLIANCE WITH PRETREATMENT STANDARDS

- (A) The user must submit a certification statement 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 for the industrial user to meet the pretreatment standards and requirements. This certification statement must be certified by an authorized representative as defined in Article 3A, Section 27.
- (B) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user shall submit to the POTW the shortest schedule by which the industrial 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.
 - (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).
 - (2) No increment referred to in Subsection B.1 shall exceed nine (9) months.
 - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Sewer Department including, as a minimum, whether or not it complied with the increment of progress, and if not, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Sewer Department.
- (C) The Sewer Department will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Sewer Department may issue an industrial discharge permit subject to the terms and conditions provided herein.

27. CERTIFICATION STATEMENT FOR REPORTS - For all documents requiring a Certification Statement including: the Permit Application, Compliance Data Report, and Periodic Compliance Report the statement shall be signed as follows:

- (A) By a responsible corporate officer if the industrial user is a corporation.
- (B) By a general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.
- (C) By a duly authorized representative of the individual. The user must, in writing by the principal executive officer or ranking elected official of the user, authorize the use of a "duly authorized employee." The signed authorization must be submitted to the Sewer Department prior to, or together with, the report being submitted.

28. PUBLICATION OF SIGNIFICANT NON-COMPLIANCE

- (A) The general pretreatment regulations specify, in 40 CFR 403.8(f)(2)(viii), that the POTW must comply with the public participation requirements of 40 CFR Part 25. Procedures established to comply with these requirements include "provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirement."
- (B) For the purposes of the public participation requirements of 40 CFR 403.8(f)(2)(viii), an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
 - (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
 - (2) Technical Review Criteria (TRC) Violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH);

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

29. OPTIONAL SAMPLING WAIVER FOR POLLUTANTS NOT PRESENT

- (A) In accordance with 40 CFR 403.8(f)(2)(v) and 403.12(e), the Sewer Department has the discretion to waive sampling of a pollutant if the CIU demonstrates to the Sewer Department's satisfaction that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water without any increase in the pollutant due to industries activities.
- (B) The waiver will not be available for monitoring required for the baseline monitoring report required under 40 CFR 403.12(b) or the 90-day compliance report required under 40 CFR 403.12(d). The Industrial User must continue to conduct at least twice per year monitoring until the waiver is both granted by the Control Authority and incorporated into the Industrial User's control mechanism. The POTW's annual monitoring requirements for the pollutant for which a monitoring waiver is granted may be reduced to a minimum of once during the effective period of the Industrial User's control mechanism.

(C) In order to demonstrate that the pollutant is not present, the Industrial User must provide the results of one or more samples prior to treatment which are representative of all process wastewater. In the event that a pollutant is subsequently found to be present or is expected to be present, the Industrial User must immediately resume monitoring.

SECTION 4

POWERS AND AUTHORITY OF INSPECTION

1. The Director of Public Works and other duly authorized employees or agents of the Town bearing proper credentials and identifications shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these rules and regulations.
2. While performing the necessary work on private properties referred to in Article 4, Section 1 above, the Director of Public Works or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 3, Item 8.
3. The Director of Public Works or duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all private properties connected to the POTW for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the POTW.

SECTION 5

PENALTIES

1. Any user who discharges sewage, industrial wastes or other wastes into the public sewer system(s) contrary to the provisions of these regulations, any applicable federal, state, or local pretreatment requirement, the conditions and requirements of any sewer connection permit or Industrial Discharge Permit issued hereunder, or any order issued by the Town, the Town may commence an action for appropriate legal and/or equitable relief in either state or federal court.
2. Any user who discharges sewage, industrial wastes, or other wastes into the public sewer system(s) contrary to the provisions of these regulations shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any user who violates an order of the Town or fails to comply with any provisions of these regulations, rules, compliance schedules, and permits issued hereunder, may be assessed a civil penalty of up to five thousand dollars (\$5000) per day of violation. A criminal penalty may also be sought, consistent with state law. Each day on which a violation shall occur shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate legal action against the user found to have violated the order or these regulations, rules, compliance schedules, and permits issued thereunder.

Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the User.

Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Sewer Division to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- 3 Any Industrial User, who is found to be in Significant Noncompliance with applicable pretreatment requirements during the previous twelve months, shall be subject to annual public notification in the largest daily newspaper published in the Town.
4. Any person violating any of the provisions of these Rules and Regulations shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of these regulations, Federal or State Pretreatment Requirements, or any order of the Town, the Town may commence an action for appropriate legal and/or equitable relief in the State Superior Court.

5. The person to whom any written notice is served by the Sewer Department, pursuant to Article 5, Section 2, may request a hearing before the Board of Public Works, by filing within three (3) days (excluding Saturday, Sunday and legal holidays) after the day the written notice was served or given, in the office of the Director, a written letter requesting a hearing on the matter. Upon receipt of such request, the Director shall set a time and place for such hearing and shall inform the petitioner thereof, in writing.

The hearing shall be commenced not later than five (5) days after the day on which the written request was filed and shall be concluded within five (5) days thereafter, provided that upon application of the petitioner, for good cause shown, or because of illness or unavailability of a majority of the members of the Board of Public Works on the date set for commencement, the Board of Public Works may postpone said commencement date for a reasonable time not to exceed fourteen (14) days. No more than two such postponements shall be permitted.

At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order of decision of the Sewer Department should be modified or withdrawn.

After the hearing, the Board of Public Works shall sustain, modify or withdraw the Sewer Department's order or decision and shall inform the petitioner, in writing, of its decision within three (3) days after the conclusion of the hearing.

If a written letter for a hearing is not filed in the office of the Director within three (3) days (excluding Saturdays, Sundays and legal holidays) after an order, as provided in this Article, has been issued, or if after the hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

SECTION 6

HEARING BOARD

1. A Hearing Board shall be appointed by the Board of Public Works as needed for arbitration of difference between the Sewer Department and sewer user on matters concerning interpretations and execution of the provisions of these rules and regulations by the Sewer Department. The decision of the Hearing Board, by majority vote of its members shall be final.
2. One member of the Board shall be a registered professional engineer: One member shall be a practicing sanitary engineer: One member shall be a representative of industry or manufacturing enterprise: One member shall be a lawyer, and one member shall be selected at-large for his interest in accomplishing the objectives of these rules and regulations.
3. SHOW CAUSE HEARING - The Town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Public Works why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board of Public Works regarding the violations, the reason why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Board of Public Works why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing. Service may be made on any agent or office of a corporation. The Board of Public Works may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:
 - (A) Issue in the name of the Board of Public Works notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (B) Take the evidence.
 - (C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Public Works for action thereon.

At any hearing held pursuant to these regulations, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Board of Public Works has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or to the related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

A show-cause hearing shall not be a bar against, or prerequisite for taking any other action against the user.

The remedies provided for in these Rules and Regulations are not exclusive. The Sewer Department may take any, all or any combination of these actions against a noncompliant user. Further, the Sewer Department is empowered to take more than one enforcement action against any noncompliant user.

4. If any person or industry violates any provision of these regulations, Federal or State Pretreatment Requirements, or any order of the Board, the Town Counsel may commence an action for appropriate legal and/or equitable relief in the Superior Court of the Commonwealth of Massachusetts.

SECTION 7

NORTH ATTLEBOROUGH SEWERSHED REGULATION

7.1.0 Authority

The North Attleborough Board of Public Works is designated as the Sewer Commissioners for the Town of North Attleborough in Article VII ss. 4(b) of the Town By-Laws in accordance with Chapter 656 of the Acts of 1973.

As Sewer Commissioners, the Board of Public Works does hereby adopt the following Sewershed Regulation in order to control the extent and the use of the municipal sewer collection system and to preserve and steward the finite permitted flow capacity of the Advanced Wastewater Treatment Facility (WWTF)

7.2.0 Purpose

The purpose of this regulation is to:

1. Define the limits of the of the total area serviced by the collection system.
2. Designate the allowable sewer flow from individual study areas designated in the Comprehensive Wastewater Management Plan approved by the Massachusetts Department of Environmental Protection (DEP) and the Massachusetts Environmental Policy Act (MEPA).
3. Regulate the extensions of and connections to the Town's sewer system in order to preserve and manage permitted treatment plant capacity.
4. Establish fees and procedures for the extensions of or connections to the municipal sewer collection system.
5. Promote the health, safety and welfare of the residents of the Town of North Attleborough.

7.3.0 Definitions

Available Capacity - A portion of the capacity remaining to the North Attleborough Advanced Wastewater Treatment Facility expressed in gallons per day (gpd). Available Capacity is calculated as 80% of the **Reserve Capacity**. Available Capacity shall be calculated and published following the final December monthly report of the previous calendar year based on an annual daily average flow.

Capacity Fee - A Fee duly created by the Board of Public Works to fund system improvements that will preserve and restore limited permitted flow capacity at the Advanced Wastewater Treatment Plant. The fee shall be imposed upon any entity approved for a connection to or extension of the existing sewer system. The Capacity Fee shall be set based on existing wastewater treatment and transportation costs and may be modified by vote the Board of Public Works after properly advertised Public Hearings from time to time, as required, based on fluctuations of these costs.

Change of Use - A projected change of 15 % or more in the strength or volume characteristics of wastewater generated by activities of an Existing Facility as determined

solely by the Board of Public Works using standard wastewater characteristic data published by Massachusetts Department of Environmental Protection, as applicable.

Existing Facility - A building or lot **presently connected** to the Town's sewer system as of December 31, 2012.

Existing Sewershed - That area designated in Figure 3-12 of the Final Environmental Impact Report/Comprehensive Wastewater Management Plan Update completed by Tighe & Bond dated August 2010, which is hereby accepted as part of this By-Law. This area includes the geographic extent of the existing municipal sewer collection system as of November 12, 2010.

Frontage - That portion of a street, uninterrupted between the sidelines of a single lot.

Lot - An area of land in ownership either single or multiple, with definite boundaries ascertainable by recorded deed(s) or a plan and used or available for use as the site of one or more buildings.

Reserve Capacity - The difference between the permitted Average Daily Flow of the WWTF (4.61 MGD) and the actual average daily wastewater flow as calculated using the daily average flows reported monthly in the Discharge Monitoring Report to the Environmental Protection Agency. Reserve Capacity shall be calculated annually by the Department of Public Works following the publishing of the December DMR by the WWTF

Sewer Service Area - That area designated in Figure 7-2 of the Final Environmental Impact Report/Comprehensive Wastewater Management Plan Update completed by Tighe & Bond dated August 2010. This area includes the existing sewer service area plus Study Areas 1, 2, 3, 4, 5, 7, 8, 9, 21 and 25. This area is intended to represent the furthest extents of the sewer system at full buildout.

Sewer Unit - The water use equivalent to a 3 bedroom single family Home (330 gpd) as designated by 310 CMR ss.15 . The minimum number of Sewer Units shall be one. (i.e. flow less than 330 gpd shall be calculated as one sewer unit).All sewer unit values shall be rounded to nearest half unit

Street - A duly accepted public way or a way approved by the Town of North Attleborough Planning Board pursuant to the Massachusetts Subdivision Control Law, as time to time amended.

Town - The Town of North Attleborough, Massachusetts

7.4.0 Sewer Service Area

7.4.0.1 Identification of Lots to be served

Only those lots existing as of record and recorded in the Northern Bristol County Registry of Deeds as of November 12, 2012 within the **Existing Sewershed** as illustrated by Figure 3-12 of the Final Environmental Impact Report/Comprehensive Wastewater Management Plan Update completed by Tighe & Bond dated August 2010 shall be permitted to connect to the town's sewer collection system by right. Lots within the Existing Sewershed shall be approved for connection provided there is sufficient flow capacity to be allocated. Any vacant lot conforming to applicable Zoning Regulations in effect at the time within the above referenced sewershed is entitled to a design flow of one (1) sewer unit as defined in Section 3, subject to available capacity.

Lots within the **Sewer Service Area**, as illustrated in Figure 7-2 **may** be permitted at the discretion of the Board of Public Works to connect to the Town's sewer collection system, provided there is sufficient flow capacity to be allocated.

7.4.0.2 New Lots

Sewer extensions to new streets, subdivisions or lots created and recorded in the Northern Bristol County Registry of Deeds after November 12, 2012 shall **not** be permitted to connect to or extend the sewer collection system except by written approval of the Board of Public Works.

4.0.2(a) Approved Sewer extension/connection permits to new lots shall expire two (2) years after the extension/connection is approved by the Board of Public Works if work has not been substantially completed, as determined by the Board Public Works unless a time extension has been expressly granted by the Board of Public Works.

4.0.2(b) All sewer extensions shall require a public hearing. The public hearing shall be advertized in a newspaper of general circulation in North Attleborough no less than two weeks prior to the meeting. Notice of the public hearing shall include the date time and location of the hearing. Notice of the hearing shall be posted on the Town's website and conspicuously posted in designated public places in accordance with the Town's open meeting law.

4.0.2(c) Sewer Extensions shall only be granted to lots within subdivisions approved and endorsed by the Planning Board. Sewer Extensions shall not be granted on a conditional basis, pending further Planning Board or Conservation Commission Approval.

7.4.0.3 Flow Offsets or Compensation for all sewer Connections or Extensions

At the discretion of the Board, the applicant for any sewer connection or extension may either:

- (a) Elect to perform sewer capacity improvements within the existing sewer shed to generate the required capacity for the proposed connection or extension. Such work must be completed prior to construction of the connection or extension.

(b) Elect to pay a system capacity fee based on the proposed additional flow to the system, in accordance with Section 10 of the Board of Public Works' Sewer Use Regulations.

In all cases, applicants for sewer extensions or connections must commit to flow offsets in a written agreement with the Board of Public Works.

7.5.0 Allocation of Sewer Flow

7.5.0.1 The Board of Public Works shall be restricted to allocating flow on an annual basis based on the following general criteria:

(a) **80% of the Reserve Capacity equals the Available Capacity** (wastewater treatment plant's design capacity less the average daily flow of the previous 12 month period to be determined in January using the previous year's average flow as reported in the DMRs)

(b) **33% of the Available Capacity equals the Economic Development Allocation.** This Allocation **may** be set aside as flow reserved for economic development. This flow **may** be allocated for commercial or industrial uses as may be recommended by the Planning Board, Zoning Board of Appeals, Board of Selectmen, Board of Health or the Board of Public Works. This **Economic Development Allocation** is to be reserved for larger projects that have been deemed highly advantageous to the Economic Development or redevelopment of the Town due to long term employment creation or other demonstrable and verifiable public benefit created by the construction of the project. The **Economic Development Allocation** may be in excess of an individual study area's total flow allocation. If the project does exceed the total flow of an individual study area, the Board of Public Works shall be responsible for re-allocating flow to the remaining study areas. In no case shall the sum of the gpd flow of all individual study areas increase from the sum of the flows listed in table 7.1.

7.5.0.2. If there is no project before the Board of Public Works or being reviewed by the Planning Board that meets the criteria to be considered under the Economic Development Allocation provision noted above, the **Available Capacity** shall be allocated on a first come – first served basis. Section 7.6 of this regulation provides that existing facilities shall be prioritized before new construction in the event that multiple applications are received for sewer connections for a given subarea.

7.5.0.3 The following amounts are the total flow limits for each study area within the Sewer Service Area as shown on Figure 7-2 of the Final Environmental Impact Report/Comprehensive Wastewater Management Plan Update completed by Tighe & Bond dated August 2010 In no case shall the flow generated by the aggregate sewer connections

or extensions within any single study area exceed the flow amounts listed in the following table except as noted in 7.5.0.1 (b) above.

Study Area #	Flow Allocation (gallons/day)
Route 1 Commercial Allotment	132,000
Developed Parcels in existing Sewer Service Area (directly abut an existing sewer main)	96,995
Area 25	316,817
Area 1	34,670
Area 2	27,923
Area 3	12,298
Area 4	63,858
Area 5	25,161
Area 7	65,486
Area 8	42,121
Area 9	11,428
Area 21	46,316

Table 7.1

The Department of Public Works shall keep a record of all sewer connections by study area, and shall keep a running total of remaining flow allotment for each study area. These total flows shall be reviewed and revised annually accounting for sewer connections or re-allocations as approved by the Board of Public Works.

7.6.0. Allocation of Available Capacity

Available Capacity shall be allocated based on availability and shall be prioritized in the following order:

7.6.0.1 Allocation of Available Capacity for Failed Septic Systems

Upon written recommendation of the Board of Health and at the discretion of the Board of Public Works and subject to available capacity, failed septic systems within the **Existing Sewershed** for developed lots in existence prior to November 12, 2010 may be incorporated into the sewer system area. The sewer service design flows calculated for failed septic systems shall be determined by the sewer design flow as estimated by 310 CMR 15.203 and sewer unit calculation set forth in Section 7.7.0 of this regulation. The Available Capacity remaining to the Town shall be reduced by a like amount. The owners of failed septic systems shall reimburse the town for the expense of maintaining their portion of the reserve capacity through payment of a Capacity Fee in conformance with Sewer Use Regulations promulgated by the Board of Public Works.

7.6.0.2 Allocation of Available Capacity for Expansion of Existing Facilities

The town may, by written recommendation of the Board of Health and at the discretion of the Board of Public Works, allow the expansion of existing facilities within the **Existing Sewershed** that will result in increased sewage flow. The design flow for the expansion of the existing facilities shall be calculated in accordance with the sewer design flow as estimated by 310 CMR 15.203 and sewer unit calculation set forth in Section 7.7.0 of this regulation. The Available Capacity remaining to the Town shall be reduced by a like amount. The owner of the expanded facility shall reimburse the town for the expense of their portion of the Available Capacity through payment of a Capacity Fee in conformance with Sewer Use Regulations promulgated by the Board of Public Works.

7.6.0.3 Allocation of **Available Capacity** for Change in Use of Existing Facilities

The Board may, by majority vote, and subject to available capacity, allow the change in use of existing facilities within the Sewer Service Area that will result in increased sewage flow. The design flow for the change in use of the existing facility shall be calculated as follows:

Additional design flow = New Design Flow – Existing Design Flow

The existing design flow is the average daily water consumption for the new facility as recorded by the North Attleborough Water Department for the prior 3 full calendar years and the New Design Flow is the Sewage Flow calculated in accordance with Section 7.7.0 of this regulation. The Available Capacity remaining to the Town shall be reduced by a like amount. The owner of the facility shall reimburse the town for the expense their portion of the Available Capacity by payment of a Capacity Fee in conformance with Sewer Use Regulations promulgated by the Board of Public Works. No rebates of the Capacity Fee shall be granted for subsequent change of use in the future which reduces water consumption.

7.6.0.4 Allocation of Available Capacity for New Construction

The Board may, by majority vote, and subject to available capacity, allow connections or extensions to the sewer system for new lots or new subdivisions. The design flow for the expansion of the existing facilities shall be calculated in accordance with the sewer design flow as estimated by 310 CMR 15.203 and sewer unit calculation set forth in Section 7.7.0 of this regulation. The Available Capacity remaining to the Town shall be reduced by a like amount. The owner of the expanded facility shall reimburse the town for the expense of their portion of the Available Capacity through payment of a Capacity Fee in conformance with Sewer Use Regulations promulgated by the Board of Public Works.

The owner or developer of the new lot(s) shall be responsible for all fees and compensation to the Town for reduction of capacity as noted in previous sections.

7.6.0.5. Cost Reimbursement for **Available Capacity**

The town owns any and all sewer system capacity not otherwise allocated specifically to an individual, corporation or other entity. Upon allocation of available capacity from the town to an individual, corporation or other entity, the town shall be reimbursed for its portion of the

Available Capacity in accordance with the Town's cost allocation procedures determined by the Board of Public Works.

No facility outside of the Sewer Service Area shall be allowed to connect to or extend the existing sewer system in order to provide access to the municipal sewer system except as allowed under the provisions of Section 8.0.

7.7.0 Design Flow Determination

7.7.0.1 Sewer Design Flow and Sewer Unit Calculation

The required number of sewer units for a failed system, new connection, expansion of an existing facility, or change in use of an existing facility shall be determined by the following formula:

Number of Sewer Units = A Sewer Unit is defined in the Department of Public Works' Sewer Use regulations as the water use equivalent to a 3 bedroom single family Home (330 gpd) . The minimum number of sewer Units shall be one.(i.e. flow less than 330 gpd shall be calculated as one sewer unit).All sewer unit values shall be rounded to nearest half unit

Ex. A 4 bedroom home – Title V flow = 440 gpd/330 GPD = 1.33 Sewer Units = 1.5 sewer units

A 75 seat restaurant - Title V flow = 35 GPD/seat = 75seat X 35 gpd/seat = 2625 gpd
2625 gpd/330gpd/sewer unit = 7.95 sewer units round up to 8 sewer units

The Title 5 Design Flow is equal to the sewage volume calculated per 310 CMR 15.203,. Design Sewer Flow not included in Title V may be estimated by water use records of an identical or highly similar facility in another location or, if available, water use records of the same facility. In the event that there are no available records for similar facility the Board of Public Works shall be the entity to determine the design flow of a facility. The sewage capacity that must be reserved for the connection shall be determined by the following formula:

Design Sewage Flow = Number of Sewer Units X 330 gpd

7.7.0.2 Demolition of Existing Facilities Connected to Municipal Sewer

If an Existing Facility connected to municipal sewer is demolished as part of a construction project, the new owner of the facility is entitled to the sewer flow from that Existing Facility only if the new facility is constructed on the same property as the Existing Facility. Sewer flow from the existing facility shall be determined using the Title V flow estimates based on current assessor's description of the number of bedrooms, in the same way proposed flow is determined. Capacity Fee for the project shall be based on the net increase in flow

Ex. A 4 bedroom home is demolished and replaced with a building of 4 – 2 bedroom apartments.

Existing Facility - 4 Bedrooms at 110 GPD/Bedroom = 440 GPD

New Facility - (4) 2-bedroom apartments x 110 GPD/ bedroom = 880 GPD

Net increase in flow: New Facility – Existing Facility = 880 GPD – 440 GPD = 440 GPD

If a project results in a net decrease in sewer flow, no Capacity Fee shall be charged. No credit or refund of sewer flow capacity will be given to a property owner. Sewer Capacity from an Existing Facility may not be transferred to any other property other than property currently served by the sewer connection.

The Board of Public Works shall be the authority to determine whether a project represents an increase in flow to the municipal sewer collection system based on Title V sanitary flow estimates or water use records of a facility or highly similar facility.

SECTION 8.0

CHANGES TO SEWER SERVICE AREA

- 8.0.1** The physical limits of the Sewer Service Area as delineated in Fig 7.2 are intended to define the furthest extent of the municipal sewer service area. Flow Allocations from individual study areas as well as general flow allocations are based on the limits of sub-areas presented in this Figure.
- 8.0.2** Changes may be proposed to the Sewer Service Area. Because the Sewer Service Area was first defined and approved as part of the Town's Comprehensive Wastewater Management Plan (CWMP) and were the supporting documentation for a MEPA Environmental Impact Report which led to Massachusetts Environmental Policy Act approval, any changes proposed to the Sewer Service Area will initiate MEPA Project Change procedures, in accordance with 310 CMR 11.00.
- 8.0.3** Notice of Project Change shall be submitted to the Board of Public Works who shall hold a public hearing on the matter. The public hearing shall be advertized in a newspaper of general circulation in North Attleborough no less than two weeks prior to the meeting. Notice of the public hearing shall include the date time and location of the hearing. Notice of the hearing shall be posted on the Town's website and conspicuously posted in designated public places in accordance with the Town's open meeting law.
- 8.0.4** It shall be the applicant's responsibility to pay for and perform all notification and provide any and all supporting documentation for the project. Written notice of Approval of the Project Change by the Board of Public Works shall be required before the Applicant submits the formal Notice of Project Change to the MEPA review process. The Board of Public Works shall be the entity requesting the Project Change through MEPA.
- 8.0.5** The Board shall hear the facts of the Project Change from the proponent and solicit comment from concerned citizens and organizations. The Board shall close the hearing when it has determined that all salient facts have been presented. Within 49 day of the close of the Public Hearing the Board shall vote on the proposed change. Approval of any Project Change that would alter, either to increase or to decrease the extent of the Sewer Service Area as it is represented in Figure 7-2, shall require a majority vote of the Board of Public Works.
- 8.0.6** Project changes that would alter flow allocations or otherwise alter the final implementation of the CWMP/EIR as approved shall require a majority of the Board of Public Works.
- 8.0.7** Notice of the Board's approval and recommendation to MEPA shall be distributed to all interested parties within 63 days of close of the public hearing on the matter.

8.0.8 The Board of Public Works shall be the entity to reallocate flow to the individual sub areas. Re-allocated flow shall be included in the Board's recommendation to MEPA. Once the flow to a study area has been determined, or been changed, its allotment of flow will be considered fixed at that level. Sewer connections within the study area shall be accounted for and the flow allotment shall be adjusted to reflect remaining capacity.

SECTION 9

RULES AND REGULATIONS IN FORCE

1. If these rules and regulations or parts of these rules and regulations are in conflict with other provisions in the regulations, the more restrictive provision shall be enforced.
2. The invalidity of any section, clause, sentence or provision of these rules and regulations shall not affect the validity of any part of these rules and regulations which can be given effect without such invalid part or parts.
3. These rules and regulations shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
4. Any rules and regulations consistent with these regulations may be adopted and/or amended by the Board of Public Works in conformance with Section 10, Chapter 83 of the General Laws of the Commonwealth of Massachusetts after due notice published once a week for three consecutive weeks in a newspaper available to inhabitants of the Town;

Or to do or set in any manner relative thereto.

(BOARD OF PUBLIC WORKS)

MISCELLANEOUS FEES

Permit Issuance Fee	\$ 25.00
Inspection Fee	\$ 40.00
Trench Permit Fee	\$ 25.00
Returned Check Fee	\$ 25.00
Off-Hours Callout Fee	\$125.00

The Board of Public Works will officially accept sewer mains and appurtenances from private parties after installation and successful completion of proper pressure /leakage testing as directed by the Town. The developer must also provide a notarized letter gifting the main to the Town and a complete set of approved, reproducible as-built drawings prepared by a Massachusetts Registered Professional Engineer or Professional Land Surveyor certifying substantial compliance with the approved sewer extension design plans.

If the sewer main is installed in a road that is not an accepted public way, the developer shall provide the Town with a minimum 20' wide permanent utility easement centered on the sewer main over the entire length of the project. The Board of Public Works reserves the right to require a wider easement width if conditions such as depth of main or difficult access for excavating equipment require greater easement width.

The developer shall provide the Town with a performance bond that will cover the cost of the installation of the sewer line and associated appurtenances in addition to the road restoration as directed by the Highway Division.

The unpaid balance of any fee due the Town shall constitute a municipal lien on the property of the applicant if not paid within thirty (30) days of demand.

PENALTY: Whoever violates any of the provisions of these Entrance Fees shall be punished by a fine of not less than twice the amount of the applicable fee required for connection into the public sewerage system.

**ADOPTED BY THE BOARD OF PUBLIC WORKS: SEPTEMBER 28, 1982
(REVISED JANUARY 23, 2013)**

ABATEMENT – SEWER USERS

IN-GROUND POOLS: \$140.00 Based on 25,000 gallons

ABOVEGROUND POOLS: \$60.00 Based on 12,000 gallons

Abatements for the Town Pools shall be calculated annually, based on approved abatement schedule.

ADOPTED BY THE BOARD OF PUBLIC WORKS ON NOVEMBER 17, 1981

AMENDED BY THE BOARD OF PUBLIC WORKS ON JANUARY 24, 2013

SECTION 11

NORTH ATTLEBOROUGH DEPARTMENT OF PUBLIC WORKS SEWER PERMIT APPROVAL PROCESS

No permits shall be issued to any applicants who are in arrears with water/sewer bills or permit fees.

1) Permit for Sewer Mains Extension

- The Developer/Contractor submits plans. Plans must be in accordance with Towns Master Plan and Department of Public Works Standard specifications and Details.
- Design and construction standards may only be waived by the Board of Public Works. (i.e. sewer main location to be altered from center of roadway)
- If waiver is being requested, three representative photos will be submitted with the plans showing tree, size, species and location.
- Waivers will only be granted under exceptional situations as determined by the Board of Public Works such as recent roadway pavement, conflict with existing utilities, etc.
- Developer/Contractor submits application, necessary surety, and fee.
- State Sewer Extension Permit must be filed with the BPW.
- A Public Hearing will be held by the BPW.
- BPW will negotiate conditions for sewer extension and Utility License with Applicant(s)
- BPW will vote to approve or reject the proposed plan.
- Water/Sewer Construction Superintendent will sign permit if application and surety are acceptable. Permit is valid for one year.

2) Permit for Commercial / Multi-family residential over 2,000 gpd

- The Developer/Contractor submits plans. Plans must be in accordance with Towns Master Plan and Department of Public Works Standard Specifications and Details.
- Water/Sewer Construction Superintendent forwards plans to Industrial Pretreatment Officer for evaluation of need to enter Pretreatment Program.
- State Sewer Extension Permit must be filed with the BPW.
- A Public Hearing will be held by the BPW.
- BPW will negotiate conditions for sewer extension and Utility License with Applicant(s)
- BPW will vote to approve or reject the proposed plan.
- Developer/Contractor submits application, necessary surety, and fee.
- Permit will not be approved unless an “accepted” sewer main is available in front of the residence and ready to be tied into for a service.
- Water/Sewer Construction Superintendent will sign permit if application and surety are acceptable. Permit is valid for one year.

3) Permit for Commercial / Residential Connection under 2,000 gpd

- Application is filed by Developer/Contractor
- Application must be in accordance with the Department of Public Works Standard Specifications and Details.
- Water/Sewer Construction Superintendent forwards plans to Industrial Pretreatment Officer for evaluation of need to enter Pretreatment Division if connection requires review.
- Developer/Contractor submits application, necessary surety, and fee.
- Permit will not be approved unless an “accepted” sewer main is available in front of the residence and ready to be tied into for a service.
- Water/Sewer Construction Superintendent will sign permit if application and surety are acceptable. Permit is valid for one year.

4) Building Permit Application Sign Off

- Water/Sewer Construction Superintendent will sign off if all conditions are met.
- If excavation will be conducted into the Public Way a Street Opening Permit is required from the Highway Division.

5) Sewer Main Extensions Under Existing Public Ways

- Sewer Main extensions proposed under existing public ways will require a Utility License.

SECTION 12

STANDARD UTILITY LICENSE

The Inhabitants of the Town of North Attleborough, by its duly authorized Board of Public Works, of 240 Smith Street, North Attleborough, Massachusetts, in consideration of the mutual covenants herein contained, grants to:

their successors and assigns (hereinafter called the Licensee), the right to tie into the Town's main(s) and license to locate, relocate, maintain, repair and replace a subsurface sewer distribution line(s), and all necessary and proper conduits, supports, manholes and other fixtures deemed necessary therefore, along, upon, under, across and over a public way(s) in the Town of North Attleborough for a distance of ____feet for an ____inch sewer line from the existing manhole at

_____, as shown
on a plan entitled:

which is on file with the Board of Public Works.

It is also agreed that such line or lines and each and every part thereof, whether fixed to the realty or not, shall be and remain the property of the Licensee, their successors and assigns, as their interest may appear; for the Town shall not repair, replace or maintain the said lines until completion of construction and acceptance of the Licensee's written gift.

Specific conditions for the extension:

No party other than the Licensee herein or their successors or assigns can tie into the said line(s) without prior authorization from the Board of Public Works. Such authorization shall be processed in accordance with the rules and regulations of the Board of Public Works.

All installations, equipment and fixtures shall be in accordance with the standards, rules and regulations of the Board of Public Works. The Board of Public Works shall be supplied with an as-built plan showing the exact location of the lines **prior to the acceptance of the line.**

Upon written request of the Board of Public Works, prior to acceptance of the gift, the Licensee or their successors or assigns shall move their lines and related equipment and fixtures at their own expense, Nothing herein contained shall be construed to the effect that the Town claims ownership of, control of, or maintenance of the said lines prior to said gift.

It is agreed that no extension permit shall issue and no construction can commence until this Utility License has been recorded by the Licensee at the Bristol County Northern District Registry of Deeds and a certified copy thereof filed with the Board of Public Works.

List under Grantor: Town of North Attleborough
List under Grantee: Town of North Attleborough

Utility License shall be valid for a period of one year beginning with the execution of this agreement. The Utility License shall expire if this extension is not substantially completed within the one year period unless expressly extended by the Board of Public Works. Extensions of the Utility License if required shall be requested by the Applicant in writing at least one month prior to expiration of the existing License.

Witness our hands and seals, this _____ day of _____ 20__

BOARD OF PUBLIC WORKS

We, the undersigned, agreed to be bound by and comply with the terms and conditions of this Utility License.

Name

Address

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

20__

Then personally appeared the above named, and acknowledged the foregoing to be their free act and deed, before me,

Notary Public _____

Printed name: _____

Commission. _____

To be submitted to the Board of Public Works when the contractor requests final testing of the line and prior to utilization of the line by the owner.

We, _____

of, _____

hereby gift to the town of North Attleboro an ___inch PVC sewer main installed in:

a distance of approximately _____feet in accordance with the North Attleboro Public Works Department Sewer Division rules and regulations.

Signed by Owner _____ Date _____

Signed by Owner _____ Date _____

LICENSING OF PERSONS AUTHORIZED TO MAKE CONNECTION TO THE PUBLIC SEWERAGE AND/OR DRAINAGE SYSTEMS

Contractors or individuals of established reputation and experience will be licensed by the Board of Public Works to make connections to the public sewerage and/or drainage systems. The Contractor or individual shall supply the Board of Public Works with a minimum of two references pertaining to work experience and performance.

No connections shall be made or service pipes installed, by any contractor or individual not so licensed by the Board of Public Works.

All licensees shall be subject to compliance with the following requirements.

- a. Applicants for licenses are required to pay a filing fee of \$325.00 payable to the Town, all of which will be refunded to the applicant if his application is rejected.
- b. All licenses issued will expire on December 31st of each year, after which they will be renewed for the next annual license period upon payment to the Town of a \$325.00 renewal fee on or before January 1st unless rejected by the Board of Public Works for cause.
- c. No licenses shall be transferable.
- d. If approved by the Board of Public Works, applicants for licenses shall file with the Board, proper and acceptable performance and guarantee bond in the amount of \$10,000.00 which shall remain in full force and effect for at least one year from the date of original approval and each calendar year thereafter upon renewal.
- e. Applicants for licenses, after approval by the Board of Public Works, shall file with the Director, a certificate of insurance in the sums of \$50,000/\$100,000 to cover public liability and a certificate of insurance in the sum of \$10,000 covering property damage. In addition, a certificate of insurance covering Workmen's Compensation shall be filed, all of which shall remain in full force and effect for a period of at least one year from the date of original approval and each calendar year thereafter upon renewal. Said insurance shall indemnify the Board of Public Works and the Town against any and all claims, liability or action for damages, incurred in or in any way connected with the performance of the work of the licensee, and for or by reasons of any acts of omission of said licensee in the performance of his work. Cancellation or termination of said insurance shall be grounds for the Board of Public Works to revoke the license without notice to the licensee.

- f. Applicants for licenses will be approved or disapproved within a period of thirty-one (31) days after filing the application.
- g. The licensee shall abide by all rules and regulations adopted by the Board of Public Works.
- h. The licensee shall comply with all applicable City, State and Federal codes, rules and regulations.
- i. The Board of Public Works reserves the right to revoke or suspend any license if any provision of said license is violated or for cause.
- j. All licensees shall be required, if, during the course of their work they should encounter any previous violations of the regulation of sewer use, to give a full written report to the Board of Public Works within twenty-four (24) hours, of such violation.
- k. All licensees shall have all necessary equipment, tools, and material to perform this work. A list of all equipment shall be supplied to the Department of Public Works with the original application and also, upon renewal of license.
- l. Effective date of these regulations shall be April 22, 1980, (revised January 16, 2013).
- m. A licensee is bound by the Entrance Fees established by the Board of Public Works and agrees he has read the schedule entitled Entrance Fees before submission of his application for license to the Board.