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**WILLIAMSBURG MUNICIPAL  
SEWER  
SEWER REGULATIONS**

**Sewer Use**

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## **Article I. GENERAL PROVISIONS**

### **§-1 PURPOSE AND POLICY**

This Regulation sets forth uniform requirements for all Users of the Publicly Owned Treatment Works for the City of Northampton and Town of Williamsburg and enables the City & Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC §§ 1251-138 8) and the General Pretreatment Regulations (40 CFR §403). The objectives of this Regulation are:

1. To prevent the introduction of Pollutants into the Publicly Owned Treatment Works that will interfere with its operations,
2. To prevent the introduction of Pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into Receiving Waters, or otherwise be incompatible with the Publicly Owned Treatment Works,
3. To protect both Publicly Owned Treatment Works personnel who may be affected by Wastewater and sludge in the course of their employment and the general public,
4. To promote reuse and recycling of Industrial Wastewater and sludge from the Publicly Owned Treatment Works,
5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works, and,
6. To enable the Town to comply with the National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Regulation shall apply to all Users of the Publicly Owned Treatment Works. The Regulation authorizes the issuance of Wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires Users reporting; and provides for the setting of fees for the equitable distribution by certain costs resulting from the program established herein.

### **§-2 ADMINISTRATION**

Except as otherwise provided herein, the Williamsburg Water and Sewer Commission shall administer, implement, and enforce the provisions of this Regulation. Any powers granted to or duties imposed upon the Commission may be delegated by the Commission to a Duly Authorized town employee.

### §-3 ABBREVIATIONS

The following abbreviations, when used in this Regulation shall have the designated meanings:

BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	US Environmental Protection Agency
gpd	gallons per day
IU	Industrial User
mg/L	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
USC	United States Code

### §-4 DEFINITIONS

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

**Act or The Act:** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC §§1251-1388.

**Applicant:** Any Person requesting approval to discharge Wastewater into the municipal Facilities or a new connection to the Wastewater works.

**Approval Authority:** The Regional Administrator of the EPA.

**Authorized or Duly Authorized Representative of the User:**

1. If the User is a corporation: the president, secretary, treasurer, or a Vice-President of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or,
2. The Manager of one (1) or more manufacturing, production, or operating Facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

3. A general partner or proprietor if the User is a partnership or proprietorship, respectively.
4. If the User is a Federal, State or local governmental facility; a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
5. The individuals described in (1) through (4) above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall responsibility for environmental matter for the company and the written authorization is submitted to the Town.

**Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article III of this Regulation. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or Waste disposal, or drainage from raw materials storage.

**Biochemical Oxygen Demand (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under Standard Laboratory Procedures in five (5) day at twenty (20) degrees Celsius, expressed in milligrams per liter (mg/L) as concentration.

**Building drain:** The pail of the lowest horizontal piping of a drainage system which receives the discharge from soil, Waste, and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five (5) feet (one and five tenths (1.5) meters) out-side the inner face of the building wall.

**Building Sewer:** The extension from the Building drain to the Public Sewer or other place of disposal.

**Categorical Pretreatment Standards or Categorical Standards:** Any regulation containing Pollutant discharge limits promulgated by EPA in accordance with 33 USC § 1317(b) and (c) which apply to a specific category of User which appear in 40 CFR §§ 405-471.

**Categorical Commercial or Industrial User (CIU):** A Commercial or Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

**Chemical Oxygen Demand (COD):** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

**City:** The City of Northampton acting through the Department of Public Works.

**Combined Sewer:** A Sewer receiving both surface runoff and sewerage.

**Commission:** The Water & Sewer Commission for the Town of Williamsburg

**Compatible Sewer:** Wastewater constituents for which the POTW was designed or is operated to adequately treat.

**Cooling Water:** Water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only Pollutant added is heat.

**Control Authority:** The Town of Williamsburg

**Discharge Document:** Either the previously negotiated agreements or a Wastewater discharge permit and shall include the criteria for discharge to the POTW.

**Domestic Wastes:** Either the liquid Wastes from the noncommercial preparation, cooking and

handling of food, containing human excrement and similar matter from the sanitary conveyances of dwellings, commercial buildings, industrial Facilities, and institutions.

**Environmental Protection Agency (EPA):** The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other Duly Authorized official of said agency.

**Excessive:** Amounts or concentrations of a constituent of Wastewater which in the judgement of the Commission:

1. Will cause damage to any City or Town facility;
2. Will be harmful to a Wastewater treatment process;
3. Cannot be removed in the City treatment works to the degree required to meet the limiting stream classification Standards of the Connecticut River and/or EPA and State effluent Standards;
4. Can otherwise endanger life, limb, or public property, or
5. Can constitute a nuisance.

**Existing Source:** Any source of discharge that is not a "New Source."

**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 integral to such Facilities with Sewers, equipment, furnishings, thereof and other appurtenances connected therewith.

**Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.

**Grab Sample:** A sample that is taken from a waste stream with no regard to the flow in the waste stream and over a period not to exceed fifteen (15) minutes.

**Holding Tank Waste:** Any Waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**Indirect Discharge:** The introduction of Pollutants into the POTW from any nondomestic source.

**Industrial or Commercial Discharge Permit:** The permit required to be obtained from the Town by Significant Industrial Users to discharge to the City's POTW, as set forth in Article V of this Regulation.

**Industrial or Commercial User (IU):** A source of Indirect Discharge which does not constitute a "discharge of Pollutants" under regulations issued pursuant to 33 USC §1342.

**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, agricultural, or other operations where the Wastewater is discharged.



**Instantaneous Limit:** The maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**Interference:** A discharge that 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 therefore is a cause of a violation of the Town's NPDES permit or of the prevention of Sewage sludge use or disposal by the POTW in accordance with any of the following statutory provisions and regulations or permit issued there under (or more stringent State or local regulations): 33 USC §1345, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

**Local Limits:** Specific discharge limits developed and enforced by the Town upon industrial or commercial Facilities to implement the general and specific discharge prohibitions listed in 40 CFR §403.5(a) (1) and (b).

**Medical Waste:** Isolation Wastes, infectious agents, human blood and blood products, pathological Wastes, sharps, body parts, contaminated bedding, surgical Wastes, potentially contaminated laboratory Wastes and dialysis Wastes.

**Monthly Average:** The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

**Monthly Average Limit:** The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

**National Pretreatment Standards:** Any regulation containing Pollutant discharge limits promulgated by EPA in accordance with 33 USC §1317(b) and (c), which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR §403.5.

**National Prohibitive Discharge Standard or Prohibitive Discharge Standard:** Any regulation developed under the authority of 33 USC § 1317(b) and 40 CFR §403.5.

**Natural Outlet:** Any outlet into a Water source, pond, ditch, lake, or other body of surface or groundwater.

**New Source:**

1. 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 33 USC §1317(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or



- c. The production or Wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
2. Construction on a site where an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building structure, facility, or installation meeting the criteria of (1)(b) or (1)(c) above, but otherwise alters, replaces, or adds to existing process or production equipment.
  3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
    - a. Begun, or caused to be, as part of a continuous onsite construction program, any placement, assembly, or installation of Facilities or equipment; or, significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or Facilities which is necessary for the placement, assembly, or installation of a New Source Facilities or equipment.
    - b. Entered a binding contractual obligation for the purchase of Facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**Noncontact Cooling Water:** Water used for cooling that does not come into direct contact with any raw material, immediate product, Waste product or finished product.

**Normal Operating Day:** A twenty-four (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.

**National Pollution Discharge Elimination System (NPDES):** A permit issued pursuant to 33 USC §1342.

**Oil and Grease:** Any material (animal, vegetable, or hydrocarbon) which is extractable from an acidified sample of Waste by Freon or other designated solvent and as determined by the appropriate standard procedure.

**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).

**Person:** Any individual, partnership, co-partnership, firm, company, corporation, association, Joint Stock Company, trust, estate, representatives, agents, or assigns. This definition includes all Federal, State and local governmental entities.

**pH:** A measure of the acidity or alkalinity of a solution, expressed in standard units of zero and zero tenths (0.0) to fourteen and zero tenths (14.0).

**Pollution:** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**Pollutant:** Any dredged spoil, solid Waste, incinerator residue, filter backwash, Sewage, Garbage, Sewage sludge, munitions, Medical Wastes, chemical Wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, or industrial, municipal or agricultural Wastes, and certain characteristics of Wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**Pretreatment:** The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to or in lieu of introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.

**Pretreatment Requirements:** Any substantive or procedural requirements related to Pretreatment, other than a Pretreatment Standard, imposed on a User.

**Pretreatment Standards or Standards:** Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

**Prohibited Discharge Standards or Prohibited Discharges:** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article III of this Regulation.

**Properly Shredded Garbage:** The Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half (1/2) inch (one and twenty-seven hundredths (1.27) centimeters) in any dimension.

**Publicly Owned Treatment Work (POTW):** The City-owned treatment works, as defined in 33 USC section 1292. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage or industrial Wastes of a liquid nature and any conveyances, which convey Wastewater to a Treatment Plant.

**Public Sewer:** A Sewer in which all owners of abutting properties have equal rights and is controlled by the public Control Authority.

**POTW Treatment Plant:** That portion of the POTW designed to provide treatment to Wastewater.

**Receiving Waters:** Any Watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of Wastewaters.

**Septage:** The sludge produced in individual domestic on-site Wastewater disposal systems, such as septic tanks and cesspools.

**Septic Tank Waste:** Any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

**Sewage:** Human excrement and gray water (household showers, dishwashing operations, etc.).

**Sewage Treatment Plant:** Any arrangement of devices and structures used for treating sewage.

**Sewage Works:** All Facilities for collecting, pumping, treating, and disposal of Sewage.

**Sewer:** A pipe or conduit for carrying Sewage.

**Sewer Connection:** A Sewer pipeline running laterally from a street Sewer, an offset Sewer or a trunk Sewer to an individual tract, lot or parcel of land to serve one (I) or more houses or other buildings, whether connected to any house or building.

**Shall** is mandatory, **may** is permissive.

**Significant Industrial or Commercial User (SIU):** Except as provided (3) and (4) below, a Significant Industrial or Commercial User shall mean:

1. An Industrial or Commercial User subject to Categorical Pretreatment Standards; or
2. An Industrial or Commercial User that:
  - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater);
  - b. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
  - c. Is designated as such by the City or Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. The City or Town may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred (100) gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - a. The Industrial or Commercial User, prior to the Town finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
  - b. The Industrial or Commercial User annually submits the certification statement required in Article V §4 of this Regulation, (40 CFR §403.12(q)) together with any additional information necessary to support the certification statement; and
  - c. The Industrial or Commercial User never discharges any untreated concentrated Wastewater.
4. Upon finding that a User meeting the criteria in subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Town may at any time, on its own initiative or in response to a petition received from an Industrial or Commercial User, and in accordance with procedures in 40 CFR §403.8(£)(6), determine that such User should not be considered a Significant Industrial or Commercial User.

**Slug Load or Slug Discharge:** Any discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge Standards in Article III of this Regulation. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

**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.

**Standard Laboratory Procedures:** Those methods outlined in the most recent edition of the EPA manual *Methods for Chemical Analysis of Water and Waste*, and/or the publication *Standard Methods for the Examination of Water and Wastewater*, or in 40 CFR §136.

**State:** The Massachusetts Division of Water Pollution Control.

**Storm Drain** (sometimes termed "Storm Sewer"): A Sewer which carries storm and surface waters and drainage, but excludes Sewage and industrial Wastes, other than Unpolluted Cooling Water.

**Storm Water:** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**Superintendent:** The Person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Regulation. The term also means a Duly Authorized Representative of the Commission

**Total Suspended Solids (TSS) or Suspended Solids:** The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid, and that is removable by laboratory filtering.

**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, inhibits aquatic life, or create a hazard to recreation in the Receiving Waters of the effluent from the POTW.

**Unpolluted Water:** Water whose discharge will not cause any violation of Receiving Water standards of the Commonwealth of Massachusetts.

**Upset:** An incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards or the provisions of this Regulation 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 preventative maintenance, or careless or improper operation.

**User or Industrial User:** A source of Indirect Discharge.

**Wastes:** Substances in liquid, solid or gaseous form that can be carried in water.

**Wastewater:** Liquid and water-carried industrial Wastes and Sewage from residential dwellings, commercial buildings, industrial and manufacturing Facilities, and institutions, whether treated or untreated, which contribute to the POTW.

**Watercourse:** A channel in which a flow of water occurs, either continuously or intermittently.

**Wastewater Treatment Plant or Treatment Plant:** That portion of the POTW which is designed to provide treatment of municipal Sewage and industrial Wastes.

## **Article II. BUILDING SEWERS AND CONNECTIONS**

### **§-1 PERMIT REQUIRED**

No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Commission. Any Person proposing a new discharge into the system or a substantial change in the volume or character of Pollutants that are being discharged into the system shall notify the Commission at least sixty (60) days prior to the proposed change or connection.

### **§-2 CLASSES OF BUILDING SEWER PERMITS**

1. There shall be two (2) classes of Building Sewer permits:
  - a. For residential and commercial service, and
  - b. For services to establishments producing industrial wastes.
2. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Commission. A permit and inspection fee for a Building Sewer permit shall be paid to the Town at the time the application is filed. The inspection fee to cover filing, inspection and review shall be in accordance with the fee schedule set by the Water and Sewer Commission.

### **§-3 RESPONSIBILITY FOR COSTS; INDEMNIFICATION OF TOWN**

All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

### **§-4 SEPARATE SEWER REQUIRED FOR EACH BUILDING**

A separate and independent Building Sewer shall be provided for every building, except where one (1) building stands at the rear of another on an interior lot and no private Sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one (1) Building Sewer. A private Building Sewer with more than one (I) User must have easement documents on file with the Registry of Deeds showing shared ownership and maintenance responsibilities for the Sewer.

### **§-5 USE OF OLDSEWERS**

Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Commission, to meet all requirements of this division.

## **§-6 STANDARDS FOR MATERIALS AND PROCEDURES**

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 American Society of Testing and Materials shall apply.

## **§-7 LIFTING OF SEWAGE WHEN DRAIN IS TOO LOW**

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.

## **§-8 SURFACE RUNOFF INTO SEWER PROHIBITED**

No Person shall make connection of roof downspouts, exterior foundation drains, area way drains, or other sources of surface runoff or ground water to a Building Sewer or Building drain which in turn is connected directly or indirectly to a public sanitary Sewer.

## **§-9 CONNECTION STANDARDS AND REQUIREMENTS**

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 American Society of Testing and Materials (ASTM). All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commission before installation.

## **§-10 INSPECTION REQUIRED PRIOR TO CONNECTION TO PUBLIC SEWER**

The Applicant for the Building Sewer permit shall notify the Commission when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Commission or their representative.

## **§-11 GUARDING OF EXCAVATIONS**

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

## **Article III. USE OF PUBLIC SEWERS**

### **§-1 PROHIBITED DISCHARGE**

No Person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated Cooling Water, or unpolluted industrial process waters to any sanitary Sewer.

## **§-2 DISCHARGE TO COMBINED OR STORM SEWER AND NATURAL OUTLETS**

Stormwater and all other unpolluted drainage shall be discharged to such Sewers as 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 Commission, to a Storm Sewer or Combined Sewer, or to a Natural Outlet on approval of the EPA. A discharge to a Natural Outlet may require an NPDES permit.

## **§-3 PROHIBITED SUBSTANCES**

No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass-Through or Interference. These general prohibitions apply to all Users of the POTW whether they are subject to Categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements. No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or Wastewater:

1. 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 one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR §26 1.21;
2. 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;
3. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass-Through;
4. Any trucked or hauled Pollutants, except at discharge points designated by the Superintendent of the POTW;
5. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, enough 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 operations of the POTW. 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 five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which are a fire hazard or a hazard to the system;
6. 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, animal guts or tissues, paunch manure, bones, hair, hides or fleshing entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone, or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, Waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubrication oil, mud or glass grinding or polishing Wastes;



7. Any Wastewater having a pH less than six and zero tenths (6.0) or Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;
8. Any Wastewater containing toxic Pollutants in enough 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 Water 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 33 USC §1317(a);
9. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other Wastes are enough to create a public nuisance or hazard to life or are enough to prevent entry into the Sewers for maintenance and repair;
10. Any substance which may cause the 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 discharge to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria , guidelines, or regulations developed under 33 USC §1345; or in non-compliance with any criteria , guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used;
11. Any substance which causes the POTW to violate its NPDES and/or State Disposal System Permit or the Receiving Water quality standards;
12. Any Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye Wastes and vegetable tanning solutions, which consequently imparts color to the Treatment Plant's effluent, thereby violating the City's NPDES permit;
13. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit);
14. Any Pollutants, including oxygen demanding Pollutants (BOD, etc.) released at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference to the POTW;
15. Any Wastewater containing any radioactive Wastes or isotopes, except in compliance with applicable State or Federal regulations;
16. Any Wastewater which causes a hazard to human life or creates a public nuisance;
17. Any sludges, screenings, or other residues from the pretreatment of industrial Wastes;
18. Detergents, surface-active agents, or other substances which might cause Excessive foaming in the POTW.

**§-4 GREASE, OIL AND SAND INTERCEPTORS**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commission, 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 Commission and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense four (4) times per calendar year and records of such inspection and cleaning must be kept by the owner for inspection by the Water & Sewer Commission of the Town of Williamsburg. A copy of all the records are required to be sent to the Water & Sewer Commission four times a year to ensure compliance.

**§-5 SPECIAL AGREEMENTS AND ARRANGEMENTS**

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby 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 or would constitute a violation of Categorical Pretreatment Standards.

**§-6 LOCAL LIMITS**

1. The Superintendent and/or Commission is authorized to establish Local Limits pursuant to 40 CFR §403.S(c). The following Pollutant limits are established to protect against Pass-Through and Interference. No Person shall discharge Wastewater containing in excess of the following:

**MAXIMUM ALLOWABLE INDUSTRIAL DISCHARGE CONCENTRATIONS**

Constituent	Daily Maximum Limits mg/L
Arsenic	0.08
Cadmium	1.59
Chromium, T	8.89
Copper	0.86
Iron	15.00
Lead	0.69
Nickel	1.88
Silver	0.87
Zinc	2.61
Cyanide, T	0.81
Mercury	0.03
Oil & Grease	100.00

Pollutant of Concern (POC)	Maximum Allowable Industrial Loading Limit (lb/day)
TSS	1,890
BOD	4,160

2. The above limits apply at the point where Wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" unless indicated otherwise. The Superintendent and Commission may impose mass limitations in addition to, or in place of, the concentration-based limitations above;
3. The Superintendent and Commission may develop Best Management Practices (BMPs) as alternatives to numeric limits that are developed to protect the POTW, water quality, and Sewage sludge.

## **§-7 NATIONAL CATEGORICAL PRETREATMENT STANDARDS**

1. The Categorical Pretreatment Standards found at 40 CFR §§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 Superintendent and Commission 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 Superintendent and Commission shall impose an alternate limit in accordance with 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 §40.3.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard. The City would recognize the revised Standards if the User obtained a Fundamentally Different Factor variance from EPA;
  - d. Categorical Pretreatment Standards may be adjusted to reflect the presence of Pollutants in the Industrial User's intake water in accordance with 40 CFR §403.15. Any Industrial User wishing to obtain credit for intake Pollutants must make application to the City. Upon request of the User, the applicable Standard will be calculated on a " net" basis (i.e. adjusted to reflect credit for Pollutants in the intake water) if the following requirements are met:
    1. The Industrial User must demonstrate that the Control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of Pollutants in the intake waters;
    11. Credit for generic Pollutants such as Biochemical Oxygen Demand (BOD), Total Suspended Solids and Oil and Grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the

constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water Pollutants either at the outfall or elsewhere;

111. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Town may waive this requirement if it finds that no environmental degradation will result.
2. Upon the effective date of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than the limitations imposed under this Regulation for sources in that sub-category, shall immediately supersede the limitations imposed under this Regulation;
3. Where the Town's Wastewater treatment system achieves consistent removal of Pollutants limited by Federal Pretreatment Standards, the Town may apply to the Approval Authority for modifications of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a Pollutant or alteration 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 ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in 40 CFR §403.7(b)(2) promulgated pursuant to the Act;
4. The Town may then modify Pollutant discharge limits in Federal Pretreatment Standards, if the requirements contained in 40 CFR §403.7 are fulfilled and prior approval from the Approval Authority is obtained;
5. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those contained in this Regulation.

#### **§-8 TOWN'S RIGHT OF REVISION**

The Town reserves the right to establish by Regulation more stringent limitations or requirements on discharges to the Wastewater disposal system as deemed necessary to comply with the objectives of 40 CFR §403.

#### **§-9 DILUTION**

Except where expressly authorized by an applicable Pretreatment Standard or Requirement, no User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The Commission may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.

## **Article IV.     **PRETREATMENT OF INDUSTRIAL WASTEWATER****

### **§-1   **PRETREATMENT FACILITIES****

1. Users shall provide Wastewater treatment as necessary to comply with the Regulation and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Article III §§16- 18 of this Regulation within the time limitations specified by EPA, the State or the Commission, whichever is more stringent. Any Facilities necessary for compliance shall be provided, operated, and maintained at the User's expense;
2. Detailed plans showing Pretreatment Facilities and operating procedures shall be submitted to the Commission for review and shall be acceptable to the Commission 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 Commission under the provisions of the Regulation. Any subsequent changes in the Pretreatment Facilities or method of operation shall be reported to and be acceptable to the Commission prior to the User's initiation of the changes;
3. Any User with a Pretreatment facility discharging into a POTW shall be required by the Commission 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 11 2 of the Massachusetts General Laws, Section 87BBBB);
4. Whenever deemed necessary, the Commission may require Users to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific Sewers, relocate and/or consolidate points of discharge, separate Sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Regulation;
5. The Commission may require any Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual Waste water discharge permit may be issued solely for flow equalization;
6. Grease, oil and sand interceptors shall be provided by the owner, when, in the opinion of the Commission they are necessary for the proper handling of Wastewater containing Excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units and grease traps shall be of a type and capacity approved by the Commission and shall conform to the plumbing code of the Town of Williamsburg and the 310 Code Mass. Regs. § 15.230; and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with Williamsburg Sewer regulations by the User at their expense;
7. Upon request by the Commission, 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 Commission. Records and receipts must be kept which demonstrate 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 State and local regulations. The disposal of grease via the Sewer system, whether as a result of the lack of a grease trap or the improper maintenance of a grease trap, is a violation of this Regulation and subject to penalties as specified in Article VIII (Administrative Enforcement Remedies) of this Regulation. If a Public Sewer main becomes plugged or blocked by grease, either partially or completely, the establishment or establishments with direct responsibility for the blockage will be held liable for the entire financial cost of cleaning and maintenance of the Sewer Main.

## **§-2 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 drain age 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 always be maintained 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 ninety (90) days following written notification by the Town.

## **§-3 ACCIDENTAL/SLUG DISCHARGE CONTROL PLAN**

1. The Commission shall evaluate whether each SIU needs an accidental discharge/Slug Discharge control plan or other action to control Slug Discharges. The Commission may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Commission may develop such a plan for any User. An accidental discharge/Slug Discharge control plan shall address, at a minimum, the following:
  - a. Description of discharge practices including non-routine batch discharges;
  - b. Description of stored chemicals;
  - c. Procedures for immediately notifying the POTW of any accidental or Slug Discharge;
  - d. Procedures to prevent adverse impact from accidental spills or Slug Discharges, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents) and/or measurers and equipment for emergency response.

2. No User who commences contribution to the POTW after the effective date of the Regulation 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 responsibility to modify the User's facility as necessary to meet the requirements of this Regulation.

#### **§-4 HAULED WASTEWATER**

1. Septic Tank Waste may be introduced into the POTW only at locations designated by the Commission, and at such times as established by the Commission. Such Waste shall not violate Article III (Use of the Public Sewers) of this Regulation or any other requirements established by the Town. The Commission may require Septic Tank Waste haulers to obtain individual Wastewater discharge permits;
2. The Commission may require haulers of industrial Waste to obtain Wastewater discharge permits. The Commission may require generators of hauled industrial Waste to obtain Wastewater discharge permits. The Commission also may prohibit the disposal of hauled industrial Waste. The discharge of hauled industrial Waste is subject to all other requirements of this document;
3. Industrial Waste haulers may discharge loads only at locations designated by the Commission. No load may be discharged without prior consent of the Commission. The Commission may collect samples of each hauled load to ensure compliance with applicable Standards. The Commission may require the industrial Waste hauler to provide a Waste analysis of any load prior to discharge;
4. Industrial Waste-haulers must provide a Waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial Waste-hauler, permit number, truck identification, names and addresses of sources of Waste, and volume and characteristic of Waste. The form shall identify the type of industry, known or suspected Waste constituents, and whether any Wastes are RCRA hazardous Wastes.

### **Article V. INDUSTRIAL DISCHARGE PERMIT**

#### **§-1 INDUSTRIAL OR COMMERCIAL DISCHARGE PERMIT**

1. When requested by the Commission, a User must submit information on the nature and characteristics of its Wastewater. No Significant Industrial or Commercial User shall discharge into the POTW without first obtaining an individual Wastewater discharge permit from the Commission, except that a Significant Industrial or Commercial User that has filed a timely application pursuant to this section of this Regulation may continue to discharge for the time period specified therein;
2. The Commission may require other Users to obtain individual Wastewater discharge permits as necessary to carry out the purposes of this Regulation;
3. Any violation of the terms and conditions of an individual Wastewater discharge permit shall be deemed a violation of this Regulation. Obtaining a discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State and local law;



4. Any User required to obtain an individual Wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to beginning or recommencing such discharge. An application for this individual Wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

## **§-2 PERMIT APPLICATION**

Users required to obtain an individual 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 twenty-five dollars (\$25.00). New Users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the Users must include all of the following information:

1. Name, including the name of the operators and owners, address, and location (if different from the address);
2. Contact information, description of activities, Facilities, and plant production processes on the premises;
3. A list of any environmental control permits held by or for the facility
4. A description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production) and the SIC (Standard Industrial Classification) of the operation. The description should also include the types of Waste generated and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW; the number of employees, hours of operation of the plant and proposed or actual hours of operation of the Pretreatment system. The description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes; and site plans, floor plans, mechanical and plumbing plans, and details to show all Sewers, floor drains and appendances by size, location, and elevation and all points of discharge;
5. Flow measurement information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams including daily, monthly, and seasonal variations, if any. Other streams must be included as necessary to allow use of the combined Waste stream formula as set out in 40 CFR §403.6(e). The Commission may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

## **§-3 CATEGORICAL INDUSTRIAL OR COMMERCIAL USERS SAMPLING REQUIREMENTS**

1. The User shall identify the Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources. The User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Pretreatment Standards or POTW) of regulated Pollutants in the discharge from each regulated process. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported;

2. The sample shall be representative of daily operations and shall be analyzed in accordance with Article VI §13 of this Regulation;
3. Where Standards require compliance with a BMP or Pollution prevention alternative, the User shall submit documentation as required by the **Town** or the applicable Standards to determine compliance. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### **§-4 APPLICATION SIGNATORIES AND CERTIFICATES**

All Wastewater discharge permit applications, Users reports, and certification statements must be signed by an Authorized Representative of the User and contain the certification statement as defined in Article VI §7 of this Regulation. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matter for the company, a new written authorization stratifying the requirements of this section must be submitted to the Commission prior to or together with any reports to be signed by an Authorized Representative.

#### **§-5 WASTEWATER DISCHARGE PERMIT DECISION**

1. If any waters or Wastes are discharged or are proposed to be discharged into the Public Sewers which contain the substances or possess the characteristics enumerated in Article III §3(c)(d) of this Regulation and which is the judgement of the Commission may have a deleterious effect upon the Sewage Works, processes, equipment, or Receiving Waters or otherwise create hazard to life or constitute a public nuisance, the Commission may:
  - i. Reject the Waste;
  - ii. Require Pretreatment to an acceptable condition for discharge to the Public Sewer;
  - iii. Require control over the quantities and rates of discharges; and/or;
  - iv. Require payment to cover the added cost of handling and treating the Wastes not covered by existing taxes or Sewer charge under the provisions of Article IX §2 of this Regulation.
2. If the Commission 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 Commission, and subject to the requirements of all applicable codes, Regulations, and laws.

#### **§-6 WASTEWATER DISCHARGE PERMIT 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 and must indicate a specific date upon which it will expire. The User shall apply for permit re-issuance a minimum of ninety (90) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the Commission during the term of the permit as specified in §9 of this Article.

## **§-7 PERMIT TRANSFER**

Individual discharge permits are issued to a specific User for a specific operation. An individual discharge permit shall not be reassigned or transferred or sold to a new or changed operation without the approval of the Commission. Any succeeding owner or User shall also comply with the terms and conditions of the Permit in existence prior to the time of the transfer.

## **§-8 PERMIT CONTENTS AND CONDITIONS**

An individual Wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Commission to prevent Pass-Through or Interference, protect the quality of the Receiving Water body, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW. An individual Wastewater discharge permit may contain:

1. The unit charge or schedule of User charges and fees for the management of Wastewater discharged to the POTW;
2. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
3. Limits on average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulations and equalization;
4. Requirements for the installation of Pretreatment technology, Pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants in to the treatment works;
5. Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of Pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency and sample type based on Federal, State, and local law;
6. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
7. Development and implementation of Waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
8. Requirements for installation and maintenance of inspection and sampling Facilities and equipment, including flow measurement devices;
9. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
10. A statement that compliance with the individual Wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual Wastewater discharge permit;
11. Requirements for maintaining and retaining plant records relating to Wastewater

discharges as specified by the Commission, and affording the Town access thereto;

12. Requirements for notification to the Town of any new introduction of Wastewater constituents or any substantial changes in the volume or character of the Wastewater constituents being introduced into the Wastewater treatment system;
13. Other conditions as deemed appropriate by the Commission to ensure compliance with this Regulation and State and Federal laws, rules and regulations

#### **§-9 PERMIT MODIFICATION**

The Commission may modify an individual Wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;
2. To address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of the individual Wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the Town's POTW, personnel or the Receiving Waters;
5. Violation of terms or conditions of the individual Wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant acts in the Wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR §403. 12;
8. To correct typographical or other errors in the Wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### **§-10 REVOCATION OF DISCHARGE PERMIT**

The Commission may revoke a Wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure of a User to factually report the Wastewater constituents and characteristics of the User's discharge;
2. Failure of the User to report significant changes in operations or Wastewater constituents and characteristics;
3. Refusal of reasonable access to the Users' premises for the purpose of inspection and/or monitoring;
4. Failure to meet effluent limitations;
5. Failure to pay fines and/or Sewer charges;

6. Falsifying self-monitoring reports and certification statements;
7. Tampering with monitoring equipment;
8. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater discharge permit or this Regulation.

## **§-11 WASTEWATER DISCHARGE PERMIT REISSUANCE**

A User with an expiring Wastewater discharge permit shall apply for a permit reissuance by submitting a complete permit application a minimum of ninety (90) days before the expiration of the existing permit.

## **Article VI. REPORTING AND DOCUMENTATION REQUIREMENTS**

### **§-1 COMPLIANCE REQUIREMENTS**

Users that become subject to new or revised Categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated as a Non-Significant Categorical Industrial User.

### **§-2 BASELINE MONITORING REPORTS**

Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR §403.6(a)(4), whichever is later, existing categorical Users recently discharging to or scheduled to discharge to the POTW shall submit to the Commission a report which contains the information listed in (1)(b) below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Commission a report which contains the information listed in (1)(b) below. A New Source shall also report the method of Pretreatment it intends to use to meet applicable Categorical Standards and shall give estimates of its anticipated flow and quantity of Pollutants to be discharged.

1. Users described above shall submit the information as set forth below:
  - a. Information as required in Article V §2 of this Regulation;
  - b. Measurement of Pollutants - The User shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph;
  - c. 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 in 40 CFR §403.6(e) to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR §403.6(e), this adjusted limit along with supporting data shall be submitted to the Control Authority;

- d. Sampling and analysis shall be performed in accordance with Standard Laboratory Procedure;
  - e. The Commission may allow the submission of a baseline report which utilizes only historical data if the data provides information enough to determine the need for industrial Pretreatment measures;
  - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to the POTW.
2. A statement, reviewed by the User 's Authorized Representative as defined in Definitions (Authorized or Duly Authorized Representative of the User) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.

### **§-3 COMPLIANCE SCHEDULE REPORTS**

1. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;
2. The compliance schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation. No increment shall exceed nine (9) months;
3. The User shall submit a progress report to the Commission no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the User to return to the established schedule and, in no event, shall more than nine (9) months elapse between such progress reports to the Commission.

### **§-4 COMPLIANCE DATE REPORT**

1. Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of Wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Commission a report containing the information described in Article V §2(e) of this Regulation and § 2(b),(c) and (d) of this Article. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Article III §8 of this Regulation, this report shall contain a reasonable

measure of the User's long term production rate;

2. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation) this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §7 of this Article.

#### **§-5 SELF MONITORING FOR CATEGORICAL INDUSTRIAL USERS**

Any User subject to a Categorical 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 POTW during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Commission, a report indicating the nature and concentration of Pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. The Commission may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or Pollution prevention alternative, the User must submit documentation required by the Commission or the Pretreatment Standard necessary to determine the compliance status of the User.

#### **§-6 SELF MONITORING FOR NON-CATEGORICAL SIGNIFICANT INDUSTRIAL USERS**

1. All non-categorical Significant Industrial Users must submit a self-monitoring report. The reporting schedule and requirements will be stated on each Industrial Discharge Permit. These reports shall contain a description of the nature, concentration, and flow of the Pollutants required to be reported, or production and mass where requested by the Commission, 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 shall not be less than twice per year;
2. All sampling and analysis shall be performed in accordance with procedures established by the Approval Authority pursuant to 33 USC §1314(h) of the Act and contained in 40 CFR §136, and amendments thereto or with any other procedures approved by the Approval Authority.

#### **§-7 CERTIFICATION STATEMENT FOR REPORTS**

1. 40 CFR §403.12(L) and §403.6(a)(2)(ii) requires that the following certification statement be included with baseline monitoring reports, ninety (90) day categorical compliance reports, and periodic monitoring reports:

"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 and 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 violation"

2. This statement shall be signed by an Authorized Representative, as defined, of the facility.

#### **§-8 REPORTS OF CHANGED CONDITIONS**

Each User must notify the Commission 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 sixty (60) days before the change.

#### **§-9 NOTICE OF POTENTIAL PROBLEMS (INCLUDING ACCIDENTAL AND SLUG DISCHARGES)**

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Commission of the incident. This notification shall include the location of the discharge, type of Waste, concentration and volume, if known, and corrective actions taken by the User;
2. Within five (5) days following such discharge, the User shall submit to the Commission 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, penalties or other liability which may be imposed pursuant to this Regulation;
3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

#### **§-10 REPORTS FROM PERMITTED USERS**

All Users not required to obtain an individual Wastewater discharge permit shall provide appropriate reports to the Commission as they may require.

#### **§-11 NOTICE OF VIOLATIONS AND RESAMPLING REQUIREMENTS**

If sampling performed by an Industrial User indicates a violation, the User shall notify the Commission within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Commission within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample if:

1. The POTW performs sampling at the Industrial User at a frequency of at least one (1) time per month, or;
2. The POTW performs sampling at the User between the time when the User performs its

- initial sampling and the time when the User received the results of this sampling, or;
3. The POTW performed the sampling and analysis in lieu of the Industrial User. In this case, the POTW will repeat the sampling and analysis unless the POTW notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

#### **§-12 HAZARDOUS WASTE NOTIFICATION**

1. Any User who commences the discharge of hazardous Waste shall notify the POTW, the EPA Regional Waste Management Division Director, and Massachusetts hazardous Waste authorities, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous Waste under 40 CFR §261. Notification must include the name of the hazardous Waste as set forth in 40 CFR §261, the EPA hazardous Waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such Waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the User:
  - a. An identification of the hazardous constituents contained in the Wastes;
  - b. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month;
  - c. And, an estimation of the mass of constituents in the Wastewater expected to be discharged during the following twelve (12) months.

All notifications must take place no later than one hundred eighty (180) days after discharge commences. Any notification under this paragraph need be submitted only once for each hazardous Waste discharge. However, notifications of changed discharges must be submitted immediately to the POTW. The notification requirement in this section does not apply to Pollutant s already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of this section.

2. Dischargers are exempt from the requirements of (1) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous Wastes, unless the Wastes are acute hazardous Wastes as specified in 40 CFR §261.30(d) and 40 CFR §261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous Wastes in a calendar month, or of any quantity of acute hazardous Waste as specified in 40 CFR §261.30(d) and 40 CFR §261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous Waste do not require additional notification.
3. In the case of any new regulations under Section 3001 of RCRA (Resource Conservation and Recovery Act) identifying additional characteristics of hazardous Waste or list of any additional substance as a hazardous Waste, the Industrial User must notify the Commission, the EPA Regional Waste Management Division Director, and Massachusetts hazardous Waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
4. In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous Wastes generated to the degree it has determined to be economically practical.

5. This provision does not create a right to discharge any substance not otherwise permitted to be discharge by this Regulation, a permit issued there under, or any applicable Federal or State law.

### **§-13 SAMPLE COLLECTION AND ANALYSIS**

1. All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater discharge permit application or report, shall be performed in accordance with the techniques prescribed in 40 CFR §136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR §136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the 40 CFR §136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Commission or other parties approved by EPA.
2. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
3. Frequency of sampling shall be established by the Commission on an individual basis and stated on the User's Industrial Wastewater discharge permit. Any costs involved in examination and tests shall be paid by the User. Upon request all samples taken by the User shall be divided with the Town for testing as specified by the Commission.
4. The User must collect Wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time-proportional composite sampling or Grab Sampling is authorized by the Commission. Where time-proportional composite sampling or Grab Sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR §136 and appropriate EPA guidance, multiple Grab Samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows:
  - a. For cyanide, total phenols and sulfides the samples may be composited in the laboratory or in the field
  - b. For volatile organics and Oil and Grease, the samples may be composited in the laboratory

Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.

5. Samples for Oil and Grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
6. For sampling required in support of baseline monitoring and ninety (90) day compliance reports, a minimum of four (4) Grab Samples must be used for pH, cyanide, total

phenols, Oil and Grease, sulfide and volatile organic compounds for Facilities for which historical sampling data does not exist; for Facilities for which historical sampling data are available, the Commission may authorize a lower minimum. For the self-monitoring reports required by (5) as detailed above and 40 CFR §403.12(e) and (h), the Industrial User is required to collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

#### **§-14 MONITORING REGULATIONS**

Periodic measurements of flow, Pollutant concentrations and other appropriate Waste characteristics shall be made by those Users specifically designated by the Commission. Upon request all samples taken by the Industrial User shall be divided with the Town for testing as specified by the Commission. 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.

#### **§-15 RECORD KEEPING**

1. Users subject to the reporting requirements of this Regulation shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Regulation, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established with Local Limits;
2. Records shall include:
  - a. date;
  - b. exact place;
  - c. method;
  - d. time of sampling;
  - e. name of the Persons taking the samples;
  - f. dates analyses were performed;
  - g. who performed the analyses;
  - h. analytical techniques or methods used;
  - i. results of such analyses.

These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Town, or where the User has been specifically notified of a longer retention period by the Commission.

## **§-16 TRUTH IN REPORTING**

The reports required by this article shall comply with the provisions of the United States Code 18 USC §1001 relating to fraud and false statements and the provisions of 33 USC §1319(c)(4) of the Act governing false statements, representations or certifications in reports required under the Act.

## **§-17 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 transportation 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 Commission upon request.

## **Article VII. TOWN INSPECTION AND SAMPLING**

### **§-1 RIGHT OF ENTRY**

The Commission shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Regulation and any individual Wastewater discharge permit or order issued hereunder. Users shall allow the Commission and the Commission's Duly Authorized employees of the Town ready access to all parts of the premises for the purposes of inspection, observation, measurements, sampling, records examination and copying, or in the performance of any other duties. The Town and the Approval Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where the 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 for the Town and the Approval Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

### **§-2 POWERS AND AUTHORITY OF INSPECTORS**

1. The Commission may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall always be maintained in a safe and proper operating condition by the User at its own expenses. All devices used to measure Wastewater flow and quality shall be calibrated annually to ensure accuracy;
2. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Commission and shall not be replaced. The costs of clearing such access shall be borne by the User;
3. Unreasonable delays in allowing the Commission access to the User's premises shall be a violation of this Regulation;
4. The Commission and other Duly Authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties connected to the POTW for the purposes of, but not limited to, inspection, observation,

measurement, sampling, repair, and maintenance of any portion of the Sewage Works, lying within said easement;

5. If the Commission has been refused access to a building , structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be violation of this Regulation, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Regulation or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Commission may seek issuance of a search warrant from the Superior Court of Hampshire County.

### **§-3 CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports , surveys, questionnaires, Wastewater discharge permit applications, individual Wastewater discharge permits and monitoring programs, and from inspections and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Commission that the release of such information would divulge information , processes or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to this Regulation, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System permit and/or the Pretreatment Program and shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Person furnishing the report. Wastewater constitutes, and characteristics will not be recognized as confidential information.

## **Article VIII. ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **§-1 NOTIFICATION OF VIOLATION**

Whenever the Commission finds that any User has violated or is violating this Regulation, Industrial Discharge Permit, or any prohibition or limitation or requirements contained herein, the Town may serve such Persons a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Commission by the User. Submission of this plan in no way relieves the User of liability for the violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Commission to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **§-2 CONSENT ORDERS**

The Commission may enter into Consent Orders, assurance of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and

effect as the administrative orders issued under this Regulation and shall be judicially enforceable.

### **§-3 SHOW CAUSE HEARING**

1. The Town may order any User who has violated, or continues to violate, any provision of this Regulation, an individual Wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to show cause before the Water & Sewer Commission 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 Water & Sewer Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Water & Sewer Commission 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 Authorized Representative of the User. The Water & Sewer Commission may itself conduct the hearing and take the evidence, or may designate any of its member or any officer or employee of the assigned department to:
  - a. Issue in the name of the Water & Sewer Commission 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 Water & Sewer Commission for action thereon;
2. At any hearing held pursuant to this Regulation, testimony taken must be under oath and recorded. The transcripts, 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;
3. After the Commission has reviewed the evidence, it shall, if satisfied that an unauthorized discharge has occurred, 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 be installed and properly operated. Further orders and directives as are necessary and appropriate may be issued;
4. A Show Cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### **§-4 COMPLIANCE ORDERS**

When the Commission finds that a User has violated, or continues to violate, any provision of this Regulation, a Wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, the Commission may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. 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.

#### **§-5 CIVIL PENALTIES**

1. For noncompliance by any User who is found to have violated an order of the Williamsburg Water and Sewer Commission or who failed to comply with any provision of this Regulation or the orders, rules and regulations and permits issued hereunder, the Town shall have the authority to fine an amount not to exceed five thousand dollars (\$5,000.00) per day for each offence. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorney' s fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at a law against the Person found to have violated this Regulation or the rules and regulations and permit is issued hereunder;
2. Any Person violating any of the provisions of this Regulation shall become liable to the Town for any expense, loss or damage occasioned by reason of such violation. If any Person discharges Sewage, industrial Wastes or other Wastes into the Town's POTW contrary to the provisions of this Regulation, Federal or State Pretreatment Requirements, or any order of the Town, the Williamsburg Water and Sewer Commission may commence an action for appropriate legal and/or equitable relief in the State Superior Court. Filing a suit for civil penalties shall not be a bar against, or prerequisite for, taking any other action against a User.

#### **§-6 CRIMINAL PROSECUTION**

1. A User who willfully or negligently violates any provision of this Regulation, a Wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine or imprisonment or both;
2. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine or imprisonment or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

#### **§-7 CEASE AND DESIST ORDERS**

1. When the Commission finds that a User has violated, or continues to violate, any provision of this Regulation , a Wastewater discharge permit or order issued hereunder , or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Commission may issue an order to the User directing it to cease and desist all such violations and directing the User to:



- a. Immediately comply with all requirements; and
  - b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **§-8 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 pursuant to this Regulation or Industrial Discharge Permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Regulation shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or by imprisonment for not more than six (6) months, or by both.

#### **§-9 PROTECTION FROM DAMAGE**

No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the Sewage Works. Any Person violating this provision shall be subject to appropriate legal action.

#### **§-10 EMERGENCY SUSPENSION**

1. The Commission 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 or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW;
2. Any Person notified to cease discharge of a Wastewater which presents an imminent endangerment to the health or welfare of Persons or to the environment, or causes 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 Commission shall take such steps as deemed necessary, including immediate severance of the Sewer Connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Commission 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 the measures taken to prevent any future occurrence shall be submitted to the Commission within fifteen (15) days of the date of occurrence.

#### **§-11 PUBLICATION OF SIGNIFICANT NONCOMPLIANCE**

1. The General Pretreatment Regulations specify, in 40 CFR §403.8(f)(2) (vii), that the POTW must comply with the public participation requirements of 40 CFR §25. Procedures established to comply with these requirements include "at least annually providing public notification in a newspaper of general circulation that provides

meaningful public notice within the jurisdictions served by the POTW of Industrial Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Requirements."

2. For the purposes of the public participation requirements of CFR 40 §403.8(f)(2)(vii), an Industrial User is in significant noncompliance if its violation meets one (1) or more of the following criteria:
  - a. Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;
  - b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each Pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits multiplied by the applicable criteria one and four tenths (1.4) for BOD, TSS, fats, oils and grease, and one and two tenths (1.2) for all other Pollutants except pH;
  - c. Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative Standard) the Commission determines has caused, alone or in combination with other discharges, Interference or Pass-Through, including endangering the health of POTW personnel or the general public;
  - d. Any discharge that causes endangerment to human health, welfare, or the environment, or causes the POTW to exercise its emergency authority to halt or prevent such discharge;
  - e. Failure to meet a compliance schedule milestone date or enforcement order within ninety (90) days after the scheduled date for starting construction, completing construction, or attaining final compliance;
  - f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - g. Failure to accurately report noncompliance;
  - h. Any other violations, which may include a violation of Best Management Practices, which the Commission determines will adversely affect the operation or implementation of the local Pretreatment program.

## **§-12 REMEDIES NON-EXCLUSIVE**

The remedies provided for in this Regulation are not exclusive. The Commission may take any, all, or any combination of these actions against a noncompliant User. Further, the Commission is empowered to take more than one (1) enforcement action against any noncompliant User.

## **Article IX. MISCELLANEOUS REQUIREMENTS**

### **§-1 CITY OF NORTHAMPTON REPORTING REQUIREMENTS**

1. The Superintendent shall submit an annual report to the EPA which will summarize the data contained in all permits and monitoring reports by both Industrial Users and the City and the operating experience of the Wastewater Treatment Plant. The intent of this report shall be to compare the total discharge of Industrial Users with the design capacity of the industrial portion of the Wastewater Treatment Plant in each applicable aggregate influent parameters: pH, solids, loading, BOD, Oil and Grease, and metals content. This report shall be submitted to EPA on the first of March of each year;
2. The Superintendent shall also advise the City Council on a periodic basis on the observed increase in loading on the Wastewater Treatment Plant relative to the planned or expected growth.

### **§-2 CHARGES AND FEES**

1. The Commission may adopt charges and fees which may include:
  - a. Fees for reimbursement of costs of setting up and operating the Town or City's Pretreatment Program;
  - b. Fees for monitoring, inspection, and surveillance procedures;
  - c. Fees for reviewing accidental discharge procedures and construction;
  - d. Fees for permit applications;
  - e. Fees for filing appeals;
  - f. Fees for consistent removal by the City's POTW of Pollutants otherwise subject to Federal Pretreatment Standards;
  - g. Other fees as the Commission may deem necessary to carry out the requirements contained therein.
2. These fees relate solely to the matters covered by this Regulation and are separate from all other fees charged by the Town.

### **§-3 ADDITIONAL RULES AND REGULATION**

Any rules and regulations consistent with this Regulation may be adopted and/or amended by the Commission in conformance with M.G.L. ch.83 §10 after due notice published once a week for three (3) consecutive weeks in a newspaper available to inhabitants of the Town.