

**TOWN OF BILLERICA
SANITARY SEWER
RULES AND REGULATIONS**

**TOWN OF BILLERICA, MASSACHUSETTS
SANITARY SEWER RULES AND REGULATIONS**

In accordance with Chapter 83, Section 10 of the General Laws of the Commonwealth, the following rules and regulations have been adopted by the Department of Public Works for obtaining permits to enter the Town sewer system.

These rules and regulations will become effective January 23, 1995.

1. The Director of Public Works shall be the designated official for approving applications to tie into or discharge into the Town sewer system.
2. Applications can be obtained from the office of the Department of Public Works, properly filled out by the owner or agent, and returned to the same office for processing.
3. With the exception of single family residential dwellings, applicants from industrial establishments, business and subdivisions shall submit plans, specifications, waste and flow data to the Superintendent of Public Works for review. After review, if approved, a certificate for entry into the sewerage system will be forwarded to the Building Commissioner before he/she issues a building permit for construction of a subdivision, industrial building or complex, or the alteration of any large business or industrial building.
4. No occupancy permit shall be issued until such time as the sewerage system has been properly inspected and approved, and notice of such approval is forwarded to the Building Commissioner.

Approved as to Form

Town Counsel

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

ARTICLE 1
DEFINITIONS
(Arranged in Alphabetical Order)

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

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

Section 2. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter (mg/l).

Section 3. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning ten (10) feet outside the inner face of the building wall.

Section 4. "Building Sewer" or "Sewer Service Connection" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 5. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 6. "Department of Public Works" or "DPW" shall mean the Town of Billerica Department of Public Works, acting by its Superintendent or other authorized deputy, agent or representative who has been appointed by the Director and approved by the Town Administrator.

Section 7. "Director" shall mean the Director of the Department of Public Works or his authorized deputy, agent or representative.

Section 8. "Domestic Waste" shall mean sanitary sewage that does not contain industrial wastes.

Section 9. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 10. "Indirect discharge" shall mean the discharge of pollutants into a POTW from any non-domestic source regulated under section 307 (b), © or (d) of the Act.

Section 11. "Industrial User" shall mean a source of indirect discharge to the wastewater collection system.

Section 12. "Industrial Discharge Permit" shall mean a non-transferable written and duly signed document by the Town issued to all Significant Industrial Users (SIU) for a period not to exceed five (5) years. This document shall contain, as a minimum, operational parameters, sampling requirements and schedules, discharge limitations and statements of violation penalties.

Section 13. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing process, trade or business, as distinct from sanitary sewage.

Section 14. "Interference" shall mean an inhibition or disruption of the sewage works, its treatment processes or operations, or its sludge processes, use or disposal which is a cause in whole or in part of a violation of any requirement of the sewage treatment plant's National Pollutant Discharge Elimination System permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the sewage treatment plant in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act and the Toxic Substance Control Act.

Section 15. "National Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307 (b) and © of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users.

Section 16. "National Pollutant Discharge Elimination System Permit" or "NPDES Permit" shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Section 17. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other body of surface or groundwater.

Section 18. "New Source" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 © of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section. A new source shall be construed as any that meet any of the three (3) conditions at 40CFR 403.3 (1) (I-iii).

Section 19. "Pass Through" shall mean the discharge of pollutants through the sewage treatment plant into navigable water in quantities or concentrations which are a cause in whole or in

part of a violation of any requirement of the sewage treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation).

Section 20. "Person" shall mean any individual, firm, company, association, society, corporation or government entity.

Section 21. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Section 22. "Pretreatment Coordinator" shall mean the individual designated by the Town to oversee the day to day implementation of the Industrial Pretreatment Program.

Section 23. "Pretreatment Requirement" shall mean any substantive or procedural pretreatment requirement, other than a National pretreatment standard, applicable to Industrial Users.

Section 24. "Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and © of the Clean Water Act, which applies to Industrial Users, including the prohibitions found in 40CFR 403.5. Pretreatment standards shall include National Categorical Pretreatment Standards, prohibited discharges and local limits.

Section 25. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

Section 26. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Section 27. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

Section 28. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Section 29. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 30. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 31. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 32. "Shall" is mandatory; "May" is permissive.

Section 33. "Significant Industrial User" shall mean any Industrial User discharging to the sewage collection system that meets any of the following criteria:

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

Section 34. "Significant Noncompliance" shall mean the Industrial User is in violation of one or more of the following criteria:

1. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six % or more of all the measurements taken during a six month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter.
2. Technical Review Criteria (TRC) violations defined here as those in which thirty-three % or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
3. Any violation of a pretreatment effluent limit (daily, maximum or longer term average), that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the public).
4. Any discharge of a pollutant that has caused the imminent endangerment to human health or welfare, or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (vi) (B) of 40CFR 403.8 to halt such a discharge.
5. Failure to meet within 90 days after a schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.

6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self monitoring reports and reports on compliance with compliance schedules.
7. Failure to adequately report non-compliance.
8. Any other violation or group of violations which the Town determines will adversely affect the operation or implementation of the local pretreatment program.

Section 35. "Slug" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

Section 36. "State" shall mean the Commonwealth of Massachusetts.

Section 37. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waste.

Section 38. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 39. "Total Toxic Organic" (TTO) shall be defined as the summation of all quantifiable values greater than 0.001 mg/l for the organic parameters measured by EPA methods 624 and 625, and 608 and all purgeable organics. It is noted that TTO limits are established for certain categorical industries such as those regulated by the Metal Finishing Regulations, Electroplating Regulations, etc., and that the categorical TTO limits are separate and distinct from the TTO limit defined in these regulations.

Section 40. "Town" shall mean the Town of Billerica.

Section 41. "User" shall mean any person, inside or outside of the Town of Billerica, who contributes, causes or permits the contribution of wastewater into the Town's sewage treatment works.

Section 42. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II REQUIREMENTS FOR CONNECTING TO PUBLIC SEWERS

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

NEW DEVELOPMENTS OR SUBDIVISIONS

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

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

Section 4. The design of any proposed sewage works must be approved by the Director prior to issuance of permit for construction. Sewage works construction must be inspected and approved by authorized agents of the Director, and the cost for engineering inspection of the construction shall be borne by the developer or other sponsoring parties or agencies.

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

All such proposals shall be submitted in writing and shall include all relevant laboratory data and analysis. In addition, all New Sources shall submit a fully completed Industrial Discharge Permit application with a check for two hundred (200) dollars made payable to the Town of Billerica, unless otherwise instructed, in writing, by the Pretreatment Coordinator.

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

ARTICLE III
BUILDING SEWERS AND CONNECTIONS

GENERAL REQUIREMENTS

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

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

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

Section 4. A separate and independent building sewer shall generally be provided for every building.

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

Section 6. The Property Owner is responsible for the maintaining and repairing of the building sewer from the inside foundation wall to the property line.

CONTRACTOR

Section 7. Licenses to install building sewers and make connections to the common sewers will be issued to experienced and competent contractors. Licenses must be renewed for each calendar year.

Section 8. Contractors doing work hereunder shall maintain minimum insurance coverage as follows:

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

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

Section 9. Contractors shall post a bond in the amount of \$10,000 to assure the satisfactory completion of work. The bond shall remain in full effect for a period of one year after satisfactory completion of the most recent work performed by the contractor. The contractor shall make good without cost to the property owner or Town defects in the work or parts of the work furnished or built by him, and any damage due to faulty workmanship on his part, or due to faulty or imperfect material or equipment furnished by him, which defects or damage may appear within one year from the date of completion of the work.

Section 10. Violation of the requirements of these Rules and Regulations shall be cause for revocation of license.

CONNECTION PERMITS

Section 11. There shall be two (2) classes of building sewer connection permits: (a) for residential and commercial service; and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The connection permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Superintendent.

Section 12. Connection permits for construction of building sewers and for connection to common sewers may be obtained weekdays at the office of the Sewer Superintendent between the hours of 7:30 a.m. and 3:30 p.m.

Section 13. Connection permits will only be issued to contractors licensed to lay drains in the Town of Billerica. Connection permits are not transferable.

Section 14. Connection permits shall be subject to revocation when any of the Rules and Regulations contained herein are not being followed.

Section 15. If the work under the connection permit is not completed within three hundred sixty-five days, renewal of the connection permit must be obtained.

Section 16. Connection permits will not be issued until the applicant has filed a layout plan showing the location of existing service connection, house location and route of sewer service, and said layout has been approved by the Director.

Section 17. Connection permits must be obtained for repair work to existing sewer service connections, and a fee of \$25.00 will be charged, payable upon issuance of permit. Responsibility and liability for all repair work shall be the same as are herein imposed for original connections.

Section 18. No connection permit shall be issued, except in cases of emergency, to dig up or make an excavation in a public way until the applicant files with the Public Works Department copies of the notices to public utility companies as required by General Laws Chapter 82, Section 40.

MATERIALS AND METHODS OF CONSTRUCTION

Section 19. Pipe and fittings to be used in the work shall either be extra strength, vitrified clay pipe, ductile iron pipe or PVC pipe, six (6) inches or more in diameter. Vitrified clay pipe shall be Class 3300 and conform to ASTM Standard C 700, non-glazed, with joints and fittings conforming to ASTM Standard C 425. Ductile iron pipe shall conform to ANSI Standards A21.50 and A21.51. PVC pipe shall conform to ASTM Standards D 1784 and D 3034-SDR 35. Standard length of sewer service connection pipe shall be five (5) feet.

Section 20. In general, sewer services will not be allowed to have more than two (2) angle points, or a total angular deviation of one hundred eighty (180) degrees, unless granted variance by the Department of Public Works. Cleanouts, handholes or manholes shall be installed at one hundred (100) foot intervals as approved by the Superintendent or his authorized agent. Additionally, the contractor shall provide an approved cleanout along the service connection as close as practicality makes possible to the property line.

Section 21. All services shall be laid in an envelope of washed screen gravel with not less than six (6) inches of said material all around the barrel of the pipe. Maximum stone size shall be three-fourths (3/4) inch.

Section 22. All pipe and fittings shall be laid to a minimum slope of one-fourth (1/4) inch per foot unless otherwise approved by the Department of Public Works.

Section 23. Line and grade of the pipe and fittings shall be controlled by the use of batter boards and string lines set for this purpose, or by laser. Batters shall not exceed a distance of thirty (30) feet apart unless otherwise directed by the Department of Public Works. Batter boards are to be set by the contractor.

Section 24. The trenches shall be excavated from the common sewer or from the end of the existing sewer service, whichever is applicable, to the point of connection with the building plumbing outlet. Pipe and fittings laid in trench shall not be backfilled until the work is inspected by the Department of Public Works.

Section 25. Whenever possible, the building sewer should be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain may be lifted by an approved means and discharged to the building sewer.

Section 26. Where practicable, when the common sewer is sufficiently deep, service connections shall be laid directly, without horizontal or vertical deflections from the building drain to the connection at the common sewer.

Section 27. Tunneling will not be allowed unless special permission for same is granted.

Section 28. Connection made to the building plumbing system shall be upstream of any septic tanks or cesspools.

Section 29. Upon connection of the building plumbing system to the common sewers, existing septic tanks and cesspools shall be removed or completely filled with suitable material, to the satisfaction of the Board of Health.

Section 30. Connection shall not be cut into common sewers without permission.

Section 31. All pipe joint connections shall be watertight.

Section 32. Installation and/or construction of all low pressure sewer systems shall be at the direction and approval of the Director of Public Works.

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

WORK IN PUBLIC AND PRIVATE WAYS

Section 33. It shall be the contractor's responsibility to make sure that all excavations and obstructions are adequately barricaded and lighted at all times to protect the public from harm.

Section 34. Trenches shall be backfilled and compacted, and the street surface repaired in accordance with requirements of the Department of Public Works.

Section 35. Power shovels, bulldozers, loaders, trucks and other equipment shall not be operated on or across sidewalks, berms, curbs, etc., until they have been properly protected from

damage by planking or other approved means. All damage resulting from the contractors' operations shall be repaired by them.

Section 36. When making a sewer connection in a State Highway, the necessary permit from the Massachusetts Department of Public Works must be obtained prior to the issuance of a sewer connection permit by the Town. All work shall then be done in accordance with the requirements set forth in the permit from the Massachusetts Department of Public Works. Any costs in connection therewith shall be borne by the applicant.

ROCK EXCAVATION

Section 37. When ledge is encountered in the excavations and must be blasted, a permit must be obtained from the Fire Chief for the use of explosives.

Section 38. All blasting shall be done in accordance with the requirements of the Massachusetts Department of Public Safety and such requirements as imposed by the Fire Chief.

Section 39. All blasting must be done by a person licensed by the Department of Public Safety for this purpose.

Section 40. Blasting operations shall be conducted only by persons who have posted a \$20,000 bond with the Treasurer of the Commonwealth of Massachusetts, or who have posted a bond with the Billerica Town Clerk in accordance with General Laws Chapter 148, Section 19.

INSPECTIONS

Section 41. Request for inspections on new sewer service connections shall be made before 3:00 p.m. on the day preceding the installation.

Section 42. Inspections will generally be made only during the normal working hours of the Department of Public Works.

Section 43. The applicant will be charged all costs for inspections made outside the normal working hours. Charges will reflect the prevailing wage rates of the personnel making the inspection.

Section 44. No line shall be backfilled prior to inspection; any line so backfilled shall be uncovered by the contractor at his own expense.

ARTICLE IV
USE OF PUBLIC SEWERS

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

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

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

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

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

and paper or plastic dishes, cups, milk containers, etc., whether whole or ground by garbage grinders.

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

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

Any user of the wastewater collection system, permitted or otherwise, shall notify the Director of Public Works of any increased flow and/or flow with different characteristics to the wastewater system. Such notification must occur prior to the introduction of such wastes.

In forming an opinion as to the acceptability of these wastes, if not specifically addressed by the Town's most recent Local Limits, and will not create interference or pass through, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment

process, capacity of the sewage treatment plant, degree of treatability of the wastes in the sewage treatment plant and other pertinent factors. The substances include:

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

requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

<u>Parameter</u>	<u>Concentration</u> (mg/l)	<u>Parameter</u>	<u>Concentration</u> (mg/l)
Arsenic	0.43	Cadmium	0.10
Total Chromium	4.70	Copper	0.42
Lead	0.32	Mercury	0.003
Molybdenum	0.16	Nickel	3.90
Silver	0.22	Zinc	1.50
Total Cyanide	0.70	Chloroform	0.41
Methylene Chloride	2.06	Toluene	1.36
Trichloroethene	0.71	1,1,1 Trichloroethane	1.55
Oil & Grease	100.0	pH (standard units)	6-9

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

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

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

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

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

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

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

Section 13. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewage treatment plant or endangerment to any individuals. The Town shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Town within fifteen (15) days of the date of occurrence.

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

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

Section 15. Grease, oil and sand interceptors shall be provided when, in the opinion of the Department of Public Works, 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 Department of Public Works, and shall be located so as to be readily and easily accessible for cleaning and inspection.

Section 16. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 17. When required by the Department of Public Works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer as to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Department of Public Works. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 18. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in the Rules and Regulations shall be determined in accordance with procedures established by the U.S. Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto, or with any other test procedures approved by the Administrator, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole.

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

Section 19. All sampling of Industrial Discharges shall be undertaken by a laboratory certified by the Commonwealth of Massachusetts to perform the designated analysis. The cost of any and all such sampling shall be the sole responsibility of the Industry. The Town reserves the right to back charge any Industry for sampling required under the provisions of its NPDES permit. This shall include the mandated periodic sampling of Significant Industrial Users.

Section 20. In accordance with 40CFR 403.12 (f), any person who causes any discharge that could cause problems, including slug discharges and/or accidental discharges/spills shall:

- a. Immediately notify the Pretreatment Coordinator and/or the POTW.

- b. Submit a written notice of the incident to the POTW within five (5) days of the incident.

Section 21. Any person connected to the Town's sewage collection system shall be in compliance with the Hazardous Waste Regulations as referenced in 40CFR 403.12 (p).

Section 22. No statement contained in this article shall be constructed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to an agreed arrangement for payment by the industrial concern to the Town, provided that such agreements do not contravene requirements of existing Federal and State laws and regulations.

ARTICLE V WASTEWATER DISCHARGE PERMITS

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

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

- a. Name, address and location of facility;
- b. Standard Industrial Classification number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
- c. Wastewater constituents and characteristics, including but not limited to those mentioned in Article IV, Section 4 and 5 of these Rules and Regulations, as determined by a certified analytical laboratory; sampling and analysis shall be performed as detailed at 40CFR 403.12 (b) (5) and shall be analyzed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended. If

this is to serve as a baseline report, all provisions of 40CFR 403.12 (b) (4-6) shall be properly and completely addressed;

- d. Time and duration of contribution;
- e. Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State, or National Pretreatment Standards, and a statement reviewed by an authorized representative of the Industrial User and certified by a qualified professional, indicating whether or not the Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and /or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- I. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.). None of these increments of progress shall exceed nine (9) months.
 - 2. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment

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

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

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

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

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

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

the analytical results to the Pretreatment Coordinator within thirty (30) days of the detection of the violation;

- m. Requirements for the User to comply with the hazardous waste requirements as referenced in 40CFR 403.12 (p); and
- n. Other conditions as deemed appropriate by the Town to insure compliance with these Rules and Regulations.

Section 5. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the terms of the permit as limitations or requirements as identified in Sections 1 through 5 of Article IV are modified, or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, not to exceed applicable federal deadlines for National Categorical Pretreatment Standards.

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

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

Section 8. In accordance with the requirements of 40CFR 403.12 (o), Industrial Users must keep records of monitoring activities for not less than three (3) years. Records involved in cases of unresolved litigation can not be destroyed until final resolution of litigation is achieved. It is strongly recommended by the Town that monitoring records be maintained for a minimum of ten (10) years regardless of any incidental circumstances.

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

ARTICLE VI REPORTING REQUIREMENTS FOR

WASTEWATER DISCHARGE PERMITEES

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

Section 2. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the sewage treatment works, shall submit to the Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standard. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 4, Article V. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

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

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

ARTICLE VII
ANNUAL CHARGES FOR USE OF SEWER SYSTEM

Section 1. Annual charges for use of the Town's sewer system shall be reviewed annually by the Selectmen and revised as needed, subject to the approval of Town Meeting, to cover all operation, maintenance and replacement costs associated with the operation of the wastewater collection and treatment system. These charges are applicable to sewage and waste discharges of strength equivalent to normal domestic sewage. Charges for discharging wastes of abnormal strength will be determined for each individual discharge after engineering analysis.

ARTICLE VIII
PROTECTION FROM DAMAGE

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

ARTICLE IX
POWERS AND AUTHORITY OF INSPECTORS

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

Section 2. While performing the necessary work on private properties referred to in Section 1 of this Article, the duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or for

personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article IV, Section 16.

ARTICLE X CONFIDENTIAL INFORMATION

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

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

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

ARTICLE XI PENALTIES

Section 1. The Town of Billerica may seek injunctive relief for noncompliance with Pretreatment Standards and Requirements. Any person violating any provision of these Rules and Regulations may be punished by the maximum monetary amount permitted under the existing laws of the Commonwealth of Massachusetts. The current maximum monetary amount has been established at the rate of five thousand dollars (\$5000.00) per violation per day. Each day of a continued violation shall constitute a separate violation.

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

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

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

ARTICLE XII VALIDITY

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

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

Approved as to Form

Town Counsel