

# **Sewer Use Ordinance Town of Oxford, Maine**

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## **TOWN OF OXFORD SEWER USE ORDINANCE**

The following Ordinance is hereby established to regulate the use of public and private sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of water and waste into the public sewer system(s), and providing penalties for violations thereof, in the Town of Oxford, County of Oxford, State of Maine.

### **1. GENERAL PROVISIONS**

#### **1.1 PURPOSE AND POLICY**

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town of Oxford and enables the Town to comply with all applicable State and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs as well as assisting to protect the environment, the Town establishes the following objectives of this Ordinance:

A. To promote, consistent with the policy of the federal government:

- The prevention or reduction of pollutants at the source whenever feasible;
- Recycling in an environmentally-safe manner when pollution cannot be prevented;
- Treatment in an environmentally-safe manner of pollution that cannot be prevented or recycled; and
- Disposal or other release into the environment in an environmentally-safe manner only as a last resort.

To encourage the development of these efforts, the Town may:

- Set Town-wide pollution prevention goals;
- Organize an assessment program task force;
- Review data and inspect sites;
- Develop pollution prevention options;
- Conduct a feasibility analysis of selected options; and
- Promote implementation of pollution prevention techniques.

B. To prevent the introduction of pollutants into the POTW that will interfere with its operation;

C. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

D. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

E. To promote reuse of sludge from the POTW;

F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

G. To enable the Town to comply with its Maine Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or State law or contractual obligation to which the POTW is subject.

H. To promote a Positive Program to Encourage Connections.

This ordinance shall apply to all users of the POTW, and other Town residents where necessary. The Ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

## 1.2 ADMINISTRATION

Except as otherwise provided herein, the Oxford Board of Selectmen shall administer, implement, and enforce the provisions of the Ordinance. Any powers granted to or duties imposed upon the Selectmen may be delegated by the Selectmen to other Town personnel.

## 1.3 ABBREVIATIONS

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

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CEO	Code enforcement officer
COD	Chemical Oxygen Demand
DPW	Department of Public Works
EPA	United States Environmental Protection Agency
gpd	Gallons per day
IDP	Industrial Discharge Permit
LPI	Local Plumbing Inspector
mg/l	Milligrams per liter
MEDEP	Maine Department of Environment Protection
MEPDES	Maine Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
TSS	Total Suspended Solids
USC	United States Code
	Superintendent Sewer Department Superintendent

## 1.4 DEFINITIONS

- A. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.
1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
  2. Approval Authority. The Maine Department of Environmental Protection or its duly appointed agent.
  3. Authorized Representative of the User.
    - a. If the user is a corporation:

- i. The president, secretary, treasury, 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
    - ii. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five(25) million dollars, its authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.
  - c. If the user is a federal, State, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
  - d. The individuals described in paragraphs (a) through (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.
4. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five(5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
  5. Building Drain. That part of the lowest horizontal piping of a drainage system that 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 outside the inner face of the building wall.
  6. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection or lateral.
  7. Bypass. The intentional diversion of waste water streams from any portion of a wastewater treatment facility.
  8. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter 1, Subchapter N. Parts 405-471.
  9. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
  10. Commercial Use. Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.
  11. Commissioner. The Commissioner of the Maine Department of Environmental Protection or the Commissioner's duly appointed agent.
  12. Control Authority. The term Control Authority as used in this Ordinance, refers to the party responsible for implementing the Town's pretreatment program.
  13. Developer. Any individual, firm, company, association, society, corporation, or group wishing to or causing the extension of sewer lines within the terms of this ordinance.
  14. Domestic Wastewater or Sewerage. Household toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water. (See also: Industrial Wastes.)
  15. Easement. An acquired legal right for the specific use of land owned by others.

16. Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the EPA Regional Waste Management Division Director, or other duly authorized official of said agency.
17. Existing Source. Any source of discharge, the construction of operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the act.
18. Floatable Oil. Oil, fat or grease (FOG) in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
19. Force Main. A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.
20. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
21. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
22. Grease. The material removed from a grease interceptor (trap) serving a restaurant or other facility requiring such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.
23. Hauler. Those persons, firms, or corporations, whose pump, haul, transport, or dispose of septage and who are licensed by the Maine Department of Environmental Protection pursuant to the Department's rules (06-096 Chapter 411) and rules adopted to implement said section.
24. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition.
25. Incompatible Pollutant. Any pollutant that is not a compatible pollutant.
26. Industrial Discharge Permit or IDP. The written permit between the Town and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.
27. Industrial User. A person who discharges industrial wastes to the POTW of the Town.
28. Industrial Wastes of Non-Domestic Wastewater. The wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage, or unpolluted water.
29. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the act.
30. Inspector. The Selectmen, the Superintendent, or other duly authorized representatives making inspections, observations, measurements, samplings and testings within the terms of this ordinance.
31. Instantaneous Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
32. Interference. A discharge, which alone or in conjunction with a discharge or discharges from 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 MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; and 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.

33. Local Limits. Numerical limitations on the discharge of pollutants established by the Town, As distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.
34. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, and dialysis wastes.
35. MEPDES Permit or Maine Pollutant Discharge Elimination System Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
36. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.
37. Normal Domestic Wastewater. Wastewater generated by residential users containing not more than 200 mg/1 BOD and not more than 250 mg/1 suspended solids.
38. New. When the term "new" is used in relation to new building/dwelling construction, new building service lateral connections, and new public sanitary sewer system, "new" is defined as occurring on or after September 2014.
39. New Source.
  - a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - i. The building, structure, facility, or installation is constructed as a site at which no other source is located; or
    - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - iii. The production or wastewater-generating process 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, will be considered.
  - b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- i. Begun or caused to begin, as part of a continuous on-site construction program
  - a) any placement, assembly, or installation of facilities or equipment; or
  - b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- ii. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that 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.
- c. Construction on a site at which 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 Section (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

- 40. Non-Contact Cooling Water. Water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.
- 41. Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation.
- 42. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, State, and local governmental entities.
- 43. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.
- 44. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- 45. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment, or disposal. It includes practices that reduce the use of hazardous materials, energy, water, or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.

46. 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: by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
47. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
48. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
49. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as identified in Section 3.3 of this Ordinance.
50. Properly Shredded Garbage. Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.
51. Public Sewer. A pipe or conduit that carries waste water, storm water, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.
52. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the Town. 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. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town’s POTW.
53. Recreational Vehicle or “RV”. A mobile vehicle or trailer used for temporary living e.g. a camper or wholly self-contained transport and living unit.
54. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
55. Screening Level. That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant, or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.
56. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.
57. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.
58. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the Maine Department of Environmental Protection.
59. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

60. Sewer. A pipe or conduit that carries wastewater, storm water, ground water, subsurface water, or unpolluted water from any source.
61. Shall. Means mandatory; may means permissive.
62. Significant Industrial User.
- a. A user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter 1, Subchapter N; or
  - b. A user that:
    - i. Discharges an average of ten thousand (10,000) GPD or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow down wastewater);
    - ii. Contributes a process waste stream that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - iii. Is designated as such by the 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.
  - c. Upon determining that a user meeting the criteria in Subsection b. i. or b. ii 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 a user, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such user should not be considered a significant industrial user.
63. Significant Noncompliance or SNC. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- a. Chronic violations. A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedance) sixty-six percent(66%) or more of the time in a 6-month period;
  - b. Technical Review Criteria (TRC violations). Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than the TRC factor in a six month period. The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), oil & grease and 1.2 for all other pollutants except pH;
  - c. For continuous pH monitoring, excursions shall be considered SNC when:
    - i. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or
    - ii. An individual excursion from the range of pH values exceeds 60 minutes; or
    - iii. An excursion occurs that the Town believes has caused, alone or in combination with other discharges, interference or pass-through; or has endangered the health of the sewage treatment personnel or the general public; or
    - iv. Any pH less than or equal to 2.0 or greater than or equal to 12.5.
  - d. Any other discharge violation that the Town believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

- e. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Town's exercise of its emergency authority to halt or prevent such a discharge;
  - f. Failure to meet, within ninety (90) days of the Scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
  - g. Failure to provide within thirty (30) days after the due date, any required reports, including Industrial Discharge Permit applications, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - h. Failure to accurately report noncompliance; or
  - i. Any other violation(s) that the Town determines will adversely affect the operation or implementation of the local pretreatment program.
64. Slug Load or Slug. Means:
- a. Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceed for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;
  - b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 3.3 of this Ordinance; or
  - c. Any discharge that may adversely affect the collection system and/or performance of the POTW.
65. Source Reduction. Any practice that:
- a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
  - b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.
- The term includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "source reduction" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.
66. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
67. State. The State of Maine.
68. Storm Drain or Storm Sewer. A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.
69. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
70. 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 Ordinance, or a duly authorized representative, all acting for the Board of Selectmen.

71. Suspended Solids or TSS. 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.
72. Town. The Town of Oxford, Maine.
73. Treatment Plant, Treatment Works, or Treatment Facility. Any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludge as defined herein.
74. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the POTW.
75. User or Industrial User. A source of pollutants introduced into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.
76. Wastewater. Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
77. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

## **2. GENERAL SEWER USE REQUIREMENTS**

### **2.1 USE OF PUBLIC SEWERS**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and federal laws and regulations.
- C. Sewers for Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.
- D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, State and local permits have been obtained. The Board of Selectmen shall establish any fees for permit applications and subsequent inspections as required in this ordinance (see Section 14.6)
- E. Use of Sanitary Sewers. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil, or unpolluted water.
- F. Use of Storm Sewers. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approval by the Town Manager, A MEPDES permit is required prior to discharging industrial cooling water, process waters, or water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.

- G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Superintendent will consider the pertinent facts and make a determination. Said determination will be final and binding.
- H. Except hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below.
- I. The owner(s) of all houses, buildings, or properties 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 the owner(s) expense to install a suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days subsequent to the date of official notice to do so, unless prevented by topographical or other reasons. This requirement for public connection may be waived if the household is already connected to a properly functioning, State-approved septic system conforming with Maine's Subsurface Wastewater Disposal Rules, 144A CMR 241, until such system fails, at which time the owner(s) shall connect to the public sewer. The requirement for public connection may be waived upon appeal to the Board of Selectmen. However, no waiver may be granted for any house, building or property used for human occupancy, employment, recreation or other purposes if the said gravity line is within three hundred (300) feet of the building to be served. Owner(s) of new houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes whose requirement for connection was waived will be subject to a Standby Fee. See Section 14.6(A) for more information.
- J. Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of 144A CMR 241, and rules promulgated thereto. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private, domestic wastewater disposal facility.
- K. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph (I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean mineral soils and their use shall be discontinued.
- L. Any additional requirements may be imposed by the Selectmen, as required by new local, State and federal laws and regulations.
- M. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the POTW.

## 2.2 BUILDING SEWERS AND CONNECTIONS

- A. No person(s) 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 Wastewater Treatment Superintendent. All work related to the installation of building sewers, and the connection to the public sewers, shall be performed only after all permits as required by local, State, and federal law have been obtained. Any work within Town right-of-way's or easements is subject to additional permitting regulations.

- B. Backwater Valves: To protect from the possibility of backflow of sewage, backwater valves shall be required for all new connections to the public sewers.
1. Materials: All bearing parts of backwater valves shall be corrosion-resistant material. Backwater valves shall comply with ASME A112.41.1, CSA B181.1 or CSA B181.2.
  2. Seal: Backwater valves shall be constructed as to provide a mechanical seal against backflow.
  3. Diameter: Backwater valves, when fully open, shall have a capacity not less than that of the pipes in which they are installed.
  4. Access: Backwater valves shall be installed so that access is provided to the working parts for service and repair.
- C. All persons proposing a new discharge into the system or substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent of the POTW at least forty-five (45) days prior to the proposed change or connection.
- D. There shall be at least two (2) classes of building sewer permits: (a) for residential and commercial service producing only domestic wastewater, and (b) for the service to establishments producing industrial wastes. In either case, the owner(s) 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 (including pollution prevention studies) considered pertinent in the judgment of the Selectmen. A permit and inspection fee in accordance with applicable Town requirements shall be paid to the Town at the time the application is filed. One copy of the permit shall be available for inspection at all times at the site of the work.
- E. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The Board of Selectmen may establish a revolving loan fund or other program regarding these installations and connections.
- F. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- G. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the CEO or LPI, to meet all requirements of this Ordinance.
- H. The size and slope of the building sewer laterals shall be subject to the approval of the Sewer Department Superintendent, but in no event shall the diameter be less than four inches. Gravity sewer pipe and fittings shall be SDR 35 Polyvinyl Chloride (PVC) unless otherwise approved by the Sewer Department Superintendent. The slope of the building sewer service pipe shall not be less than one-eighth inch per foot. The sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with manholes or pipe fittings as approved by Sewer Department Superintendent. A cleanout shall be provided at bends greater than 45 degrees or at 100 foot maximum intervals. An accurate record of each building sewer, its location, and its depth at the street line shall be provided to the Sewer Department

Superintendent. 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 plumbing code or other applicable rules and regulations of the Town, and the Maine Department of Environmental Protection's Rules. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply. All such connections shall be made gasketed and watertight and verified by proper testing. Any deviation from the prescribed procedure and materials must be approved by the Sewer Department Superintendent or LPI before installation.

- I. 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, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- J. Building Sewers Required Frequent Maintenance; Any new building sewer lateral serving a school, hospital, or similar institution, or public building, or serving a complex of commercial or industrial building, or which, in the opinion of the Serwer Department Superintendent, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer service shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to any existing manholes shall be as specified by the Sewer Department Superintendent.
- K. No person(s) shall make connection of sump pumps, roof downspouts, interior or exterior foundation drains, or other sources of surface run-off, groundwater, or natural precipitation to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
  1. Any person, firm or corporation having a roof, surface, ground, sump pump, foundation drain, cistern overflow, or swimming pool now connected and/or discharging into the public sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the Town.
  2. Every person owning improved real estate that discharges into the Town's public sanitary sewer shall allow an employee of the Town or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharges into the public sanitary sewer. Any person refusing to allow their property to be inspected shall immediately become subject to the Inflow Fee hereinafter provided for. Any property found to violate this provision of the Ordinance shall make the necessary changes to comply with the Ordinance and furnish proof of the changes to the Town.
  3. If the Town has reason to suspect that an illegal connection may exist in a premise, the owner, by written notice shall comply with these provisions. Should a property certified in compliance with these provisions be found to have reconnected a roof drain, sump pump or any other form of natural precipitation or groundwater to the public sanitary sewer, the property owner will be subject to the Inflow Fee for all months between the last two inspections.
  4. An Inflow Fee of two-hundred dollars (\$200) per year (or fifty dollars (\$50) per quarterly billing) is hereby imposed and added to every sewer billing to each property owner not in

- compliance with these provisions. The Inflow Fee shall be added every year until the property is in compliance with these provisions. The imposition of the Inflow Fee shall not limit the Town's authority to prosecute the criminal violations or seek an injunction in court ordering the person to disconnect the nonconforming connection to the public sanitary sewer.
5. This provision enforces actions necessary to achieve the Town's Inflow and Infiltration Reduction Program goals of reducing Combined Sewer Overflow events.
  - L. No person(s) shall allow any floor drain to be connected to any building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
    1. No person(s) shall allow any floor drain to be connected, or remain connected, to any building sewer or building drain that in turn is connected directly or indirectly to public storm sewer.
  - M. No person shall obstruct the free flow of air through any drain or soil pipe.
  - N. The applicant for the building sewer permit shall notify the Sewer Department Superintendent when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 24 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Sewer Department Superintendent or his representative. This requirement shall also apply to repairs or alterations to building connections, drains, or pipes thereto.
  - O. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.
  - P. No building sewer shall be covered until it has been inspected and approved by Sewer Department Superintendent or his representative. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.
  - Q. Sewer Department Superintendent shall maintain a record of all connections made to public sewers and drains under the Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Sewer Department Superintendent in securing the data needed for such records.
  - R. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.
  - S. Proposed new discharges from residential or commercial sources involving loadings exceeding 50 populations equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics of existing industrial waste that are being discharged into the POTW must be approved by the Maine Department of Environmental Protection (MEDEP). Such approvals shall be obtained in accordance with Section 4.3 of this Ordinance.
  - T. In the case of buildings being removed or demolished, the building sewer shall be capped at the street right-of-way line to the satisfaction of the Sewer Department Superintendent.

### 2.3 LICENSING OF PERSONS AUTHORIZED TO MAKE CONNECTIONS TO THE PUBLIC SEWER

Plumbers and drain layers of established reputation and experience will be duly licensed and authorized to perform such work.

## 2.4 PROHIBITED DISCHARGE STANDARDS

Pollutants, substances, or wastewater prohibited by this section shall be processed or stored in such a manner that they could not be accidentally discharged to the POTW.

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or explosive substance, fluid , gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  2. Wastewater having a pH less than 5.5 or greater than 10.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with characteristics in such quantities that the pH of the POTW is caused to exceed 8.0; or drop below 6.0;
  3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW resulting in interference; User discharges shall not cause FOG levels at the WWTF to exceed 20 mg/L with less than 150 mg/L of emulsified FOG with no free oil and less than 10 mg/L of mineral or non-biodegradable oil.;
  4. Pollutants, including oxygen-demanding pollutants (BOD,COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW;
  5. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104°F (40°C) or drop below 46°F (8°C);
  6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
  7. Pollutants that 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;
  8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 4.9 of this Ordinance;
  9. Medical wastes except as specifically authorized by the Town;
  10. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test;

11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil, battery acid, or any other waste that would be considered hazardous waste under 40 CFR part 261.
- C. Additional problems. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Town;
1. Wastewater that imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent, thereby violating the Town's MEPDES permit;
  2. Noxious or Malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or to prevent entry into the sewers for maintenance or repair;
  3. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulation;
  4. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;
  5. Sludge's, screenings, or other residues from the pretreatment of industrial wastes;
  6. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
  7. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;
  8. Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);
  9. Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Section 1.4 of this Ordinance;
  10. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or
  11. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  12. Any rags or cloths such as baby, handy or any type of wipes including wipes labeled as "disposable" or "flushable". While the manufacturers claim the wipes are disposable or flushable, the wipes do not fall apart or disintegrate like tissue paper. The wipes stay intact and can clog wastewater pumps and cause them to fail.

## 2.5 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards are found at 40 CFR Chapter 1, Subchapter N, Part 405-471 and are hereby incorporated into this Ordinance.

MEDEP shall be the Control Authority for industrial users subject to categorical pretreatment standards. As the Control Authority, industrial users are responsible to the MEDEP for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall provide the Town with copies of any reports to, or correspondence with MEDEP relative to compliance with the categorical pretreatment standards.

The industrial user is responsible for determining the applicability of categorical pretreatment standard. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category.

## 2.6 LOCAL DISCHARGE RESTRICTIONS

All persons discharging industrial process wastes into public or private sewers connected to the Town's POTW shall comply with applicable federal requirements and State standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of the Ordinance.

Local numerical discharge limitations shall be in accordance with all State pretreatment standards.

If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.3, 2.4, and 2.5 of this Ordinance, which in the judgment of the Superintendent may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Superintendent and CEO may:

- Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;

- Require pretreatment prior to discharge to the POTW (Section 3.0);

- Require control (e.g., equalization) over the quantities and rates of discharge; and/or
- Require payment to cover additional cost of handling and treating the wastes.

If the Selectmen allow the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Superintendent and the State (see Section 3).

- A. Maximum Allowable POTW Headworks Loadings Limitations. The Superintendent may establish numerical pollutant limitations to protect against pass-through and interference:

The Superintendent shall calculate and administer daily concentration limits (i.e., local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedances of these limitations. For industrial discharge applications, the local limits shall apply at the end of the process train prior to dilution with non-industrial wastewaters.

Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow-composited sample (or other sampling procedure approved by the Superintendent) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours.

All concentration limits for metals represent “total” metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in accordance with Section 2.8, in place of the concentration-based limitations.

Unless specifically identified in an industrial discharge permit, an industrial user shall not discharge the local limits development.

## 2.7 TOWN’S RIGHT OF REVISION

The discharge standards and requirements set forth in Sections 2.4, 2.5, and 2.6 are established for the purpose of preventing discharges to the POTW that would harm the sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Selectmen may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.4, 2.5, and 2.6 if, in the Superintendent’s opinion, such more stringent standards or requirements are necessary. At a minimum, this review will be performed at least once every five years. In forming this opinion, the Selectmen may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Selectmen.

The Superintendent shall allow affected industrial users reasonable time to comply with the development of or any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of new or amended local limits.

## 2.8 DILUTION

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard and requirement. The Superintendent may recommend to impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## 2.9 MASS-BASED LIMITATIONS

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in its discharge even though the total mass of the pollutant discharged does not increase, and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the POTW, and will be at the discretion of the Selectmen. Implementation of mass-based limitations may not contravene any requirements of federal or State laws/or regulations implemented thereunder, and may not waive applicable categorical pretreatment standards.

## 2.10 SEWER EXTENSIONS

- A. All extensions to the sanitary sewer system owned and operated by the Town of Oxford shall be properly designed by an engineer registered in the State of Maine. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Selectmen before construction may proceed. The design of sewers must anticipate and allow for plans for all possible future extensions or developments within the immediate drainage area.
- B. Sewer Extension Design Standards: The following design standards shall be followed for all sewer extensions.
  1. Manhole: Manholes shall be constructed at all changes in slope or alignment and at intervals not to exceed 300 linear feet.
  2. Materials, Joints and Connection to Building Sewers: Gravity sewer pipe and fittings shall be SDR 35 Polyvinyl Chloride (PVC) unless otherwise approved by the Superintendent. Minimum internal pipe diameter for a sewer main shall be 8 inches and for a building sewer lateral shall be 6 inches.
  3. Sewer Extensions: To the maximum extent practicable, all sewer extension shall be constructed within approved street right-of-way. Otherwise, sewer extensions shall be construction centered on a 30 foot wide permanent right-of-way deeded to the Town.
- C. Sewer Manhole Frames and Covers: Sewer manhole covers Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public consent if, in the opinion of the Board of Selectmen, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for and

install the building sewer from the property line to his residence or place of business. Property owners may propose sewer extensions within the Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Board of Selectmen. The cost of such extension may be assessed to the benefited property owners in any manner determined by the Board of Selectmen.

- D. If the Town does not elect to construct a sewer extension under public contract, the property owner or developer may construct the necessary sewer extension, if such extension is approved by the Board of Selectmen in accordance with the requirements of Paragraph A above. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in paragraph E. below. The installation of the sewer extension must be subject to periodic inspection by the Town, and to expenses for this inspection shall be paid for by the owner or developer. The Selectmen's decisions shall be final in matters of quality and methods of construction. The cost of sewer extension thus made shall be absorbed by the developers or property owners, including all building sewers.
- E. Sewer design shall be in accordance with the requirements of the Town and typical engineering standards, and all sewers shall satisfy the requirements of a final leakage test before they will be approved and sewage flow accepted from them by the Town. The primary means of testing leakage in gravity sewers shall be by low pressure air test prescribed by the Selectmen after installation of the house service fitting and leads to the property line, and after completing backfill of the gravity sewer trench. Exfiltration or infiltration testing shall be permitted and performed in areas approved by the Selectmen.

Leakage in gravity sewers shall not exceed 100 gallons per inch diameter, per day, per mile of pipe when tested by either infiltration or exfiltration means. Should the pipe as laid fail to meet these requirements, the developer shall perform the necessary work at his expense to meet these requirements.

Where groundwater is high, the Sewer Department Superintendent may elect to accept infiltration measurements in lieu of exfiltration tests.

If the installation fails any tests, the developer shall at his expense, determine the source of the leakage. He shall then repair or replace all defective materials and/or workmanship.

These tests shall be conducted at all times in the presence of the Superintendent or his authorized representative.

### **3. PRETREATMENT OF WASTEWATER**

#### **3.1 PRETREATMENT FACILITIES**

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all local limits, prohibitions, and requirements set out in Sections 2.4, 2.5, and 2.6 of this Ordinance within the time limitations specified by EPA, the State, or the Selectmen, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated,

and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Selectmen for review, and shall be acceptable to the Selectmen and the MEDEP before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Selectmen under the provisions of this Ordinance.

### 3.2 ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary to protect the POTW and determine the user's compliance with requirements of this Ordinance, the Selectmen 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.
- B. The Sewer Department Superintendent 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 Industrial Discharge Permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the opinion of the Sewer Department Superintendent or LPI, these devices are necessary for the preliminary treatment 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 shall be of a type and capacity approved by the Sewer Department Superintendent or LPI and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Sewer Department Superintendent. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.
- E. Where pretreatment and flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at his expense.

### 3.3 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

At least once every two (2) years, the Selectmen shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Selectmen may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Selectmen may develop such a plan for any user. An accidental discharge/slug 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 Sewer Department Superintendent of any accidental or slug discharge, as required by Section 6.3 of this Ordinance; and

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

### 3.4 POLLUTION PREVENTION PLANS

In accordance with the provision of Sections 2.6 and 10.3 of this Ordinance, the Sewer Department Superintendent and Selectmen may require any person discharging wastes into the POTW to develop and implement, at that person's own expense a pollution prevention plan. The Sewer Department Superintendent may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
- D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
  - 1. Reduced raw material purchased;
  - 2. Avoidance of waste treatment, monitoring and disposal costs;
  - 3. Reduction in operations and maintenance expenses;
  - 4. Elimination of permitting fees and compliance costs; and
  - 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should be solicited and exchanged, both from inside the organization and out.
- F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness. The Sewer Department Superintendent shall in no way relieve the user from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the Selectmen in accordance with the provisions of this Ordinance.

## **4. INDUSTRIAL DISCHARGE PERMIT APPLICATION**

### **4.1 WASTEWATER CHARACTERIZATION**

When requested by the Selectmen or Sewer Department Superintendent, a user must submit information on the nature and characteristics of its wastewater within (60) days of the request. The Sewer Department Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

### **4.2 INDUSTRIAL DISCHARGE PERMIT REQUIREMENT**

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Sewer Department Superintendent, except that a significant industrial user that has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.
- B. The Sewer Department Superintendent may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purpose of this Ordinance.
- C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance and shall subject the industrial discharge permittee to the enforcement actions set out in Sections 10 through 12 of this Ordinance. Obtaining an Industrial 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.

### **4.3 DISCHARGE PERMIT REQUEST REQUIREMENT**

All industrial users must receive Town approval for any new industrial discharge, or any significant alteration in either flow or waste characteristics, in accordance with the Town's MEPDES permit. Such approvals shall be obtained in accordance with Section 6.2 of this Ordinance.

### **4.4 INDUSTRIAL DISCHARGE PERMITTING; EXISTING CONNECTIONS**

Any user required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future, shall, within sixty (60) days after the said date, apply to the Sewer Department Superintendent for an Industrial Discharge Permit in accordance with Section 4.7 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an Industrial Discharge Permit issued by the Selectmen.

### **4.5 INDUSTRIAL DISCHARGE PERMITTING: NEW CONNECTIONS**

Any user required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW shall obtain an Industrial Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Industrial Discharge Permit, in accordance with

Section 4.7 of this Ordinance, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

#### 4.6 INDUSTRIAL DISCHARGE PERMITTING: CATEGORICAL STANDARDS

Within 120 days subsequent to the effective date of a categorical pretreatment standard, an industrial user subject to such standards shall submit an application for an Industrial Discharge Permit amendment. The application shall contain the information noted under Section 4.7.

#### 4.7 INDUSTRIAL DISCHARGE PERMIT APPLICATION CONTENTS

All users required to obtain an Industrial Discharge Permit, and other users subject to these rules, as required by the Sewer Department Superintendent, shall submit a permit application. The Sewer Department Superintendent may require all users to submit as part of an application the following information. Copies of all documents submitted to the Sewer Department Superintendent.

- A. Description of activities, facilities, and production processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally be discharged to the POTW;
- B. A list of all environmental permits held by the facility.
- C. Each product produced by type, amount, process or processes, and rate of population;
- D. Type and amount of raw materials processed (average and maximum per day);
- E. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge and sampling locations;
- F. The estimated average, maximum and total daily flow for each discharge and the time and duration of discharges;
- G. Copies of existing pollution prevention plans and/or a description of all known pollution prevention opportunities that may exist at the facility;
- H. A listing of any proposed or existing discharge of listed or characteristic hazardous waste;
- I. In those instances in which the industrial user provides notification of the discharge of hazardous waste, the industrial user shall also provide the following certification: "I certify that (the company) has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree that (the company) has determined to be economically practicable";
- J. An indication of whether the conditions referenced in the application are existing or proposed; and
- K. Any other information as may be deemed necessary by the Sewer Department Superintendent to evaluate the Industrial Discharge Permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

#### 4.8 SIGNATORIES AND CERTIFICATION

All Industrial Discharge Permit applications and user reports shall be signed by an authorized representative of the user and shall contain the following certification statement:

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

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

#### 4.9 HAULED WASTEWATER PERMITS

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Sewer Department Superintendent, and at such times as are established by the Sewer Department Superintendent. Transport and discharge of such waste shall comply with Section 14.0 of this Ordinance.
- B. Discharge to the POTW of hauled industrial waste is not permitted.

### 5. INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

#### 5.1 INDUSTRIAL DISCHARGE PERMIT DECISIONS

The Selectmen and Sewer Department Superintendent will evaluate the data provided by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete Industrial Discharge Permit application (or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by MEDEP), the Selectmen will determine whether or not to issue an Industrial Discharge Permit. The Selectmen may deny any application for an Industrial Discharge Permit, with just cause.

#### 5.2 INDUSTRIAL DISCHARGE PERMIT DURATION

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Industrial Discharge Permit may be used for a period less than these intervals at the discretion of the Selectmen. Each Industrial Discharge Permit will indicate a specific date upon which it will expire. Industrial Discharge Permits shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 5.6 of this Ordinance. All Industrial Discharge Permits issued to a particular user are void upon the issuance of a new Industrial Discharge Permit to that user.

#### 5.3 INDUSTRIAL DISCHARGE PERMIT CONTENTS

An Industrial Discharge Permit may include such conditions as are deemed reasonably necessary by the Sewer Department Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment facility’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Industrial Discharge Permits shall contain:
  - 1. A statement that indicates Industrial Discharge Permit duration, which in no event shall exceed five (5) years;
  - 2. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the Town Selectmen and the Sewer Department Superintendent in

accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;

3. Effluent limitations based on applicable pretreatment standards and requirements;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports and, for pollutants to be monitored, the following: sampling location, sampling frequency, and sample type based on this Ordinance, and State and federal laws, rules and regulations;
5. For users with reporting requirements, such reports at a minimum shall require:
  - a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the estimated average and maximum daily flow for these process units;
  - b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, than what additional operation and maintenance practices and/or pretreatment systems are necessary; and
  - c. Submittal of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the permit.
6. A description of identified pollution prevention opportunities at the facility, if any;
7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by this Ordinance, applicable State and federal laws, rules and regulations; and
8. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the Industrial Discharge Permit.

- A. Industrial Discharge Permits may contain, but need not be limited to, the following conditions:
  1. Limitations on the average and/or maximum rate or discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. 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 into the POTW;
  3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent the accidental, unanticipated, or non-routine discharges;
  4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
  5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  6. Requirements for installation and maintenance of inspection and sampling facilities and equipment; and

7. Other conditions as deemed appropriate be the Selectmen and Sewer Department Superintendent to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

#### 5.4 INDUSTRIAL DISCHARGE PERMIT APPEALS

Any person, including the user, may petition the Selectmen to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appellant user must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.
- C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.
- D. If the Selectmen fail to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- E. Aggrieved parties may appeal the conditions of the Industrial Discharge Permit in accordance with Section 16.2 of this Ordinance.

#### 5.5 INDUSTRIAL DISCHARGE PERMIT MODIFICATION

The Selectmen may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, process, or wastewater volume or character since the time of Industrial Discharge Permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the Industrial Discharge Permit;
- F. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical errors in the Industrial Discharge Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### 5.6 INDUSTRIAL DISCHARGE PERMIT TRANSFER

Industrial Discharge Permits may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days in advance notice to the Selectmen and Sewer Department Superintendent, and the Selectmen approve the Industrial Discharge Permit transfer. The notice to the Selectmen and Sewer Department Superintendent shall include a written certification by the new owner or operator that:

- A. States that the new owner and/ or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledge full responsibility for complying with the existing Industrial Discharge Permit.

Failure to provide advance notice of transfer shall render the Industrial Discharge Permit void as of the date of facility transfer.

#### 5.7 INDUSTRIAL DISCHARGE PERMIT REISSUANCE

A user with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with Section 4.7 of this Ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing Industrial Discharge Permit. An expired permit will continue to be effective and enforceable until the permit is reissued if

- A. The industrial user has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user's existing permit; and
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

#### 5.8 REGULATION OF WASTEWATER RECEIVED FROM OTHER JURISDICTIONS

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Selectmen shall enter into an inter-local agreement with the contributing municipality or user.
- B. Prior to entering into an agreement required by paragraph (A), above, the Selectmen shall request the following information from the contributing municipality:
  - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - 2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
  - 3. Such other information
- C. An inter-municipal agreement, as required by paragraph (A), above, shall contain the following conditions:
  - 1. A requirement for the contributing municipality to adopt a sewer use ordinance that is at least as stringent as this Ordinance and, if applicable, local limits that ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Ordinance and local limits shall be revised as necessary to reflect changes made to the Town's Ordinance or revisions to the loadings allocated to the contributing municipality;
  - 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
  - 3. A provision specifying which pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Selectmen or Sewer Department Superintendent; and which of

these activities will be conducted jointly by the contributing municipality and the Selectmen or Sewer Department Superintendent.

4. A requirement for the contributing municipality to provide the Town with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  5. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  6. Requirements for monitoring the contributing municipality's discharge;
  7. A provision ensuring the Town's access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Town; and
  8. A provision specifying remedies available for breach of the terms contained within the agreement.
  9. If another municipality contributes wastewater to the POTW, they shall be responsible for its waste and to defend and indemnify the Town for all claims arising out of the contributing municipality's waste.
- D. Inter-municipal agreements may be subject to approval by MEDEP.

## **6. REPORTING REQUIREMENTS**

### **6.1 PERIODIC COMPLIANCE REPORTS**

- A. All significant industrial users shall, at a frequency determined by the Sewer Department Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 4.8 of this Ordinance.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Sewer Department Superintendent, using the procedures prescribed in Section 6.8 of this Ordinance, the results of this monitoring shall be included in the report.

### **6.2 REPORTS OF CHANGED CONDITIONS**

Each industrial user shall notify Selectmen and the Sewer Department Superintendent of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) before the change.

- A. The Selectmen may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application under Section 4.7 of this Ordinance.
- B. Upon approval of the Discharge Permit Request by the Selectmen, the Selectmen may issue an Industrial Discharge Permit under Section 5.1 of this Ordinance or modify an existing Industrial Discharge Permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.

### 6.3 REPORTS OF SLUG/POTENTIALLY ADVERSE DISCHARGES

- A. 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, or a slug load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Sewer Department Superintendent of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Sewer Department Superintendent, submit to the Selectmen and Sewer Department Superintendent a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other 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 that may be imposed pursuant to this Ordinance.
- C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.

### 6.4 REPORTS FROM UNPERMITTED USERS

All users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Selectmen as the Selectmen may require.

### 6.5 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If the results of sampling performed by a user indicate a violation, the user shall notify the Sewer Department Superintendent 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 Selectmen and Sewer Department Superintendent within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the user or the Sewer Department Superintendent monitors at the user's facility at least once a month, or if the Sewer Department Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

### 6.6 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

- A. A user, if at all possible, must give prior notification to the Town Manager. Any user who commences the discharge of hazardous waste shall notify the Selectmen and the Sewer Department Superintendent, in writing, of any discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261,. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges in excess of one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications shall occur no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph shall be submitted only once for each hazardous waste discharged. However, notifications of changed conditions shall be submitted under Section 6.5 of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards.
- B. Dischargers are exempt from the requirements of paragraph (A), 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 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 wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of the federal Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the Selectmen, the EPA Regional Waste Management Waste Division, and MEDEP of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user may certify that it has implemented a Pollution Prevention Plan as described in Section 3.4 of this Ordinance to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically and technologically
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal and State laws, rules and regulations.

#### 6.7 ANALYTICAL REQUIREMENTS

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 Part 136, using the method specified by the Selectmen if applicable, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by the Selectmen and Sewer Department Superintendent.

## 6.8 SAMPLE COLLECTION

- A. Except as indicated in Paragraph (B), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Sewer Department Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Sewer Department Superintendent when:
1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogenous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
  2. Sampling a facility where a statistical relationship can be established between previous grab samples and composite data; and
  3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.
- B. Samples for temperature, pH, oil, and grease, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

## 6.9 TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report by the person designated in the Industrial Discharge Permit shall govern.

## 6.10 RECORD KEEPING

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the 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 of a longer retention period by the Selectman and Sewer Department Superintendent. Before destroying the records, the industrial user shall request and receive permission from the Selectmen and Sewer Department Superintendent.

# 7. POWERS AND AUTHORITIES OF INSPECTORS

## 7.1 COMPLIANCE MONITORING

The Town shall investigate instances of noncompliance with the industrial pretreatment standards and requirements.

The Town shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing noncompliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurring for analysis if its wastewater.

#### 7.2 RIGHT OF ENTRY: INSPECTION AND SAMPLING

All industrial users discharging to the Town's POTW shall allow unrestricted access during normal business hours (except when the Town is responding to an emergency) by Town, Sewer Department Superintendent, State and EPA personnel ("Inspector(s)") for the purpose of determining whether the user is complying with all requirements of this Ordinance, and any Industrial Discharge Permit or order issued hereunder. Users shall allow the Inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. If a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Inspector(s) shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Inspector(s) may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure accuracy.
- D. 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 Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Inspector(s) access to the user's premises shall be a violation of this Ordinance.
- F. The Inspector(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of discharge to the public sewer. The industrial user may request that the information in question not be disclosed to the public in accordance with Section 8 of this Ordinance. The information in question shall be made available upon written request to governmental agencies for uses related to this Ordinance, the MEPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the user. However, information regarding wastewater discharge by the user (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.
- G. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the user.

- H. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

### 7.3 ADMINISTRATIVE INSPECTIONS WARRANT

If the Selectmen, or other agent duly authorized by the Town, 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 a violation of this Ordinance, 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 Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town may seek issuance of an Administrative Inspection Warrant from the Oxford County District Court.

## **8. CONFIDENTIAL INFORMATION/PUBLIC PARTICIPTION**

### 8.1 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Town's inspection 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 Selectmen, 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 that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the MEPDES program or pretreatment program, and in enforcement proceedings involving the person provided the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

### 8.2 PUBLIC PARTICIPTION

The Town shall comply with the public participation requirements of 40 CFR Part 25.

## **9. PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS**

The Selectmen may publish annually, in the largest daily newspaper circulated in the Town, a list of users whom during the previous twelve (12) months, demonstrated a commitment to reducing the volume and toxicity of waste discharges. All pollution prevention efforts, not just those affect wastewater discharges, are subject to recognition. The following criteria will be used to identify published users:

- A. Innovative ideas the facility has used to implement process changes that eliminate or reduce the volume or toxicity of waste generated;
- B. The percentage of the facility's process water reused within the system or process;
- C. The percentage of the facility's potential waste reused within the system or process;
- D. Implementation of employee pollution prevention training and communication programs;
- E. Voluntary performance of pollution prevention audits;
- F. Spill control procedures/devices (e.g., secondary containment) the facility implements to prevent accidental chemical spills from entering the sewer system; and
- G. The environmental and/or economic benefits or successes derived from implementing pollution prevention methods.

The intent of the publication is to notify local consumers of the environmental responsiveness of local businesses, and to encourage industrial users to identify and implement opportunities for preventing pollution. As part of this publication, the Town shall provide an evaluation of the impact of these changes to the POTW, and summarize the current status of pollutant loadings to the POTW and goals established by the POTW for pollution prevention efforts.

## **10. ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **10.1 NOTIFICATION OF VIOLATION**

When the Wastewater Treatment Sewer Department Superintendent or Local Plumbing Inspector determines that a user has violated, or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Sewer Department Superintendent or LPI may serve a verbal or written Notice of Violation to the user. Within the time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the user to the Sewer Department Superintendent or LPI. Submittal of this plan in no way relieves the user of liability for any violations occurring before or subsequent to receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Sewer Department Superintendent or LPI to take any action, including emergency actions or any other enforcement action, without initially issuing a Notice of Violation.

### **10.2 COMPLIANCE SCHEDULE DEVELOPMENT**

The Selectmen may require any user that has violated or continues to violate any provision of this Ordinance an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section shall comply with the following conditions:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning the conducting routine operation;
- B. No increment referred to above shall exceed nine (9) months;

- C. The user shall submit a progress report to the Sewer Department Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies as a minimum, whether it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule;
- D. In no event shall more than nine (9) months elapse between such progress reports to the Sewer Department Superintendent.

#### 10.3 POLLUTION PREVENTION PLAN DEVELOPMENT

The Selectmen may require any user that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a pollution prevention plan in accordance with Section 4.4 of this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Selectmen no later than sixty (60) days after the user was notified of this requirement.

#### 10.4 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Selectmen shall publish annually, in the largest daily newspaper circulated in the Town where the POTW is located, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

#### 10.5 SHOW CAUSE ORDERS

The Selectmen may order a user that has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Selectmen and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

#### 10.6 CEASE AND DESIST ORDERS

When the Selectmen determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial 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 Selectmen 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. Implement 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.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### 10.7 CONSENT ORDERS

The Board of Selectmen is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents established an agreement with any user responsible for noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a period of time also specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as administrative orders issued pursuant to Section 10.5 and 10.6 of this Ordinance and shall be judicially enforceable. The Town may still take action for the violation that has occurred.

#### 10.8 INDUSTRIAL DISCHARGE PERMIT TERMINATION

Any industrial user who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable State or federal law, is subject to permit termination:

- A. Violation of permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
- C. Failure to report significant changes in operations or wastewater constituents and characteristics;  
or
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Selectmen shall not be a bar to, or a prerequisite for, taking any other action against the user.

#### 10.9 TERMINATION OF DISCHARGE

In addition to the provisions in Section 10.8 of this Ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of Industrial Discharge Permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Selectmen shall not be a bar to, or a prerequisite for, taking any other action against the user.

#### 10.10 EMERGENCY SUSPENSIONS

The Sewer Department Superintendent may immediately suspend a user's discharge, subsequent to informal notice to the user, whenever such suspension is necessary to terminate an actual or threatening discharge that reasonably appears to be present or cause an imminent or substantial endangerment to the health or welfare of POTW personnel or the public. The Sewer Department Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply with the suspension order, the Selectmen may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Sewer Department Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Selectmen and Sewer Department Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 or 10.9 of this Ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Selectmen prior to the date of any show cause or termination hearing under Section 10.5, 10.8 or 10.9 of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspensions under this section.

#### 10.11 RECOVERY OF EXPENSES

Any person or industrial user violating any of the provisions of this Ordinance shall be liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation including attorney's fees and costs. If the Selectmen or Board of Selectmen shall have caused the disconnection of a drain from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person or user responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

#### 10.12 HARM TO TOWN PROPERTY

No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to penalty under State and Federal statutes.

### 11. JUDICIAL ENFORCEMENT REMEDIES

### 11.1 INJUNCTIVE RELIEF

When the Town determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may petition the Oxford County Superior Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific performance of the Industrial Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user. The Town shall recover attorney's fees and costs for any Court action required to enforce this document.

### 11.2 CIVIL PENALTIES

- A. A user who has violated, or continues to violate, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of up to \$10,000 per violation, per day, plus actual damages incurred by the POTW. In case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Town may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town. The Town shall petition the Court to impose, assess, and recover such sums.
- C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or prerequisite for implementing any other action against a user.

### 11.3 CRIMINAL PROSECUTION

Any person of industrial user who willfully or negligently violates any provision of this Ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed \$10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation.

### 11.4 NONEXCLUSIVE REMEDIES

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town may pursue other action against any user without limitation, including ex parte temporary judicial relief to prevent a

violation of this Ordinance. Further, the Town is empowered to pursue more than one enforcement action against any non-compliance user.

## **12. SUPPLEMENTAL ENFORCEMENT ACTION**

### **12.1 PERFORMANCE BONDS**

The Selectmen may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Selectmen to be necessary to achieve consistent compliance.

### **12.2 LIABILITY INSURANCE**

The Selectmen may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

### **12.3 PUBLIC NUISANCES**

A violation of any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Selectmen. Any person(s) creating a public nuisance shall be subject to the provisions of the Town Ordinances or State Laws governing such nuisances, including reimbursing the Town for any costs incurred in removing, abating, or remedying said nuisance.

### **12.4 CONTRACTOR LISTING**

Users that have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town. Existing contracts for the sale of goods or services to the Town held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Selectmen.

## **13. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **13.1 UPSET**

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who intends to establish the affirmation defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  1. An upset occurred and the user can identify the cause(s)

2. At the time of the upset, the facility was operated in a prudent and workman like manner and in compliance with applicable operation and maintenance procedures; and  
3. The user has submitted the following information to the Sewer Department Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

- a. A description of the discharge and cause of noncompliance;
  - b. The period of noncompliance, including exact dates and times or, if not corrected, the amount of time the noncompliance is expected to continue; and
  - c. Action being implemented and or/planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- F. Users shall control all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### 13.2 PROHIBITED DISCHARGE STANDARDS

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.4(A) of this Ordinance or the specific prohibitions in Section 2.4(B) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature of constituents from the user's prior discharge when the Town was regularly in compliance with its MEPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### 13.3 BYPASS

- A. For the purposes of this section,
  - 1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
  - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become in operable, or substantial and permanent loss of natural resources that can reasonably be

expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C.
  - 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Sewer Department Superintendent, at least ten (10) days before the date of the bypass, if possible.
  - 2. A user shall submit oral notice to the Sewer Department Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and , if the bypass has not been corrected, the amount of time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Sewer Department Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D.
  - 1. Bypass is prohibited, and the Selectmen may initiate enforcement action against a user for a bypass, unless:
    - a. Bypass was required to prevent loss of life, personal injury, or severe property damage;
    - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
    - c. The user submitted notices as required under paragraph (C) of this section.
  - 2. The Selectmen may approve an anticipated bypass, subsequent to considering its adverse effects, if the Sewer Department Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

## **14. SEWER USER CHARGES**

### **14.1 AUTHORIZATION**

The Selectmen is hereby authorized to establish, alter from time to time, and upon persons owning land served by drains and sewers heretofore or hereafter constructed a service charge for the use and for the services furnished by such drains and sewers.

The Selectmen is hereby authorized to establish, alter from time to time, and upon persons owning land adjacent to, but not connected to, an available public sanitary sewer access a Standby Fee for making the service available and for capacity development at the POTW such that the system is “ready to serve” said property.

#### 14.2 COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

The user charge system shall comply with appropriate federal and State rules and regulations pertaining to the costs associated with the use of the sewers.

#### 14.3 BILLINGS

Sewer services charges shall be billed upon connection to the town sewer every quarter. An interest charge at the same rate established by the Town’s Legislative Body (Annual Town Meeting) for uncollected taxes will be made on all bills not paid within 30 days after the date of billing.

#### 14.4 SEWER SERVICE CHARGE RATE

The Board of Selectmen will set the sewer service charge rate annually, using annual expenses and other revenue as the basis of need for the annual sewer service charge rate.

In general, sewer service charge rates will be determined on a rate structure based on the following:

- A. Residential User: a base rate sewer charge time’s equivalent dwelling units (equivalent users) plus a usage fee based on water consumption.
- B. Commercial/Industrial/Governmental User: a base rate sewer charge time’s equivalent dwelling units (equivalent users) plus a usage fee based on water consumption. For users that do not meter water, service charges will be determined by base rate time’s equivalent dwelling unit (equivalent user) plus 8000 cubic feet times the usage fee.

#### 14.5 SPECIAL CHARGES

A special sewer service charge and industrial cost recovery charge shall be established for any industrial firm or organization which contributes process wastewater to the public sewer system. Such charges shall comply with appropriate federal and State rules and regulations pertaining to the costs associated with the use of the sewer by an industry. The Selectmen shall establish such special sewer service charge and cost recovery charge to the industrial firm by separate agreement with said firm.

#### 14.6 SEWER FEES AND ADJUSTMENTS

- A. Standby fee.
  - 1. A Standby Fee is an assessment that is charged to any new dwelling adjacent to, but not connected to, an existing available public sanitary sewer system, and to any improved and unimproved properties adjacent to, but not connected to, a new available public sanitary sewer. The term “available” is defined in Section 2.1 (I) and the term “new” is defined in Section 1.4 (A.38) of this Ordinance. The fee ensures that adequate sewer service will be available for that parcel when needed. A Standby Fee shall apply in the following situations:
  - 2. The Standby Fee shall be the source of a portion of the revenue for retiring debt services and for capital expenditures, operation and maintenance of the public sewage works. Such fee

shall be deemed a “ready to serve” charge levied to aid in defraying expense incurred in making service available to the property.

3. The Standby fee will be half of minimum base rate sewer service charge.
- B. Inflow Fee. Owner(s) in violation of Section 2.2(L) of this Ordinance shall be assessed two hundred dollars (\$200) annually (or fifty dollars (\$50) per quarter). Imposition of this fee shall not limit the Town’s authority to prosecute criminal violations or seek an injunction in court ordering the person to disconnect the nonconforming connection to the public sanitary sewer.
- C. Leak Adjustment: When the Town has received satisfactory evidence from the customer that the metered water and sewer consumption represented by the sewer bill is in excess of one and a half times the 12 month average water and sewer consumption for that customer, and that reason for the increase in metered consumption is a leak, then a leak adjustment is authorized. The amount of the leak adjustment is the amount necessary to adjust the customer’s sewer charge to an amount based on one and a half times the 12-month average sewer consumption. Customers are eligible for a leak adjustment under this policy only once every 12 months.
- D. Abatement of Sewer Charge: Abatements for use of water for lawn sprinklers, garden hoses, or other uses of significant volumes of water, including swimming pools, which do not enter the public sewer, may be made on application to the Town. The request must be made within 30 days of the bill date on the Town of Oxford Sewer Abatement Request Form. The bill must be paid before any abatement will be considered. The minimum threshold for abatement is 1000 cubic feet above the base consumption. The adjusted billing determined shall not be less than the highest billing or adjusted billing during the previous three billings. No more than one adjustment can be given in one calendar year. The Town shall require verification of the significant sewer usage which is cause for abatement. The Town may require the use of a meter on the external water source. The Board of Selectmen shall approve or deny abatements.
- E. Sewer Service Installation Permit Fee for Waste Water Treatment Facility Use. The permit fee is based on the number of equivalent (dwelling) users (“EDU”) (also called an equivalent users) any particular use can be anticipated to produce and which will impact the wastewater treatment plant. An EDU is based on an anticipated load from a single-family home (1.0 EDUs = a single – family residential unit).  
This fee will be determined by a vote of the Board of Selectmen, and adjusted from time to time, and charged for any connection to the POTW in addition to any regular building permit fees by the Sewer Department Superintendent, code enforcement officer or licensed plumbing inspector.

## 15. Validity

- A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- B. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such valid part or parts.

## **16. INTERPRETATION OF REQUIREMENTS**

### **16.1 INTERPRETATION**

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted and administered by Sewer Department Superintendent acting in and for the Town of Oxford, Maine.

### **16.2 APPEALS**

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said decision to the Selectmen, who shall issue a decision within thirty (30) calendar days. If said appeal is denied by the Selectmen, the aggrieved party shall have the right to appeal to the Oxford County Superior Court, provided that the said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Selectmen.

**APPENDIX A  
BUILDING PERMIT FEE ADJUSTMENT  
WASTE WATER TREATMENT FACILITY USE  
SCHEDULE OF EQUIVALENT USERS**

<b>TYPE OF ESTABLISHMENT</b>	<b>UNIT MEASUREMENT</b>	<b>EQUIVALENT USERS</b>
Single Family Dwelling	Each	1
Additional Dwelling Unit	Each	1
High School	15 students	1
Junior High School	20 students	1
Elementary School	24 students	1
Motel, Hotel, B&B	2 rooms	1
Conventional Restaurant:		
3 meals/day	6 seats	1
2 meals/day	10 seats	1
Disposable Utensil Restaurant	12 seats	1
Church		
Dining Seats	30 seats	1
Assembly Seats	50 seats	1
Club	40 members	1
Daycare w/meals	9 children	1
Public Meeting/Assembly Hall		
without Food Service	50 seats	1
with Food Service	30 seats	
Commercial/Industrial Facility	5 employees	1
Government Facility	5 employees	1
Casino	21 seats	1
Gas Station	1 pump island	2
Theater or Playhouse	40 seats	1
Laundromat	1 machine	2
Cocktail Lounge	10 seats	1
Beauty/Barber Shop	2 sinks	1
Car Wash (w/recycle)	1 bay	1
Hospital or Nursing/Boarding Home	2 beds	1
Store with Public Restroom	Each	2
Store without Public Restroom	Each	1
Store with Food Service	Each	2
Additional for Seating	12 seats	1
Shopping Center	12 employees	1
	75 parking spaces	1
Conference Center	21 Seats	1

Equivalent User numbers for types of establishments not listed shall be based on establishments with similar functions and/or estimated wastewater production. Estimated wastewater design flows are listed in the State of Maine Subsurface Wastewater Disposal Rules, 144A CMR 241.