

Chapter 165

SEWER USE

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXV of the 2005 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous waste — See Ch. 145.
Stormwater management — See Ch. 175.
Water use — See Ch. 190.
Zoning — See Ch. 200.
Subdivision of land — See Ch. 210.

ARTICLE I Definitions

§ 165-1. Terms defined.

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

ACT — The Federal Water Pollution Control Act (P.L. 92-500), also known as the Clean Water Act, as amended (33 U.S.C. 1251 et seq.).

APPLICANT — Any person requesting approval to discharge wastewater into the Town of Charlton wastewater facilities.

APPROVAL — Written approval.

AUTHORITY — The Charlton Board of Water and Sewer Commissioners.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER — Either:

- A. Principal executive officer of at least the level of Vice President, if the industrial user is a corporation;
- B. A general partner or proprietor if the industrial user is a partnership or proprietorship respectively; or
- C. A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the discharge of wastewater originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter.

BOARD — The Charlton Board of Water and Sewer Commissioners or their authorized representative.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins ten (10) feet [three (3) meters] outside the inner face of the building wall.

BUILDING SEWER OR SERVICE CONNECTION — The extension from the building drain to the public sewer or other place of disposal.

BUSINESS/COMMERCIAL ESTABLISHMENT — The primary use of the property is not defined as "residential" or "industrial."

COMBINED SEWER — A sewer conveying both wastewater and stormwater.

COMMERCIAL ESTABLISHMENT — Any room, group of rooms, building or other structure used or intended for use in the operation of a business enterprise, including retail and nonmanufacturing service establishments. Commercial establishments shall include, but not be limited to, automobile service stations, department stores, self-service laundries, restaurants, shopping centers, and theaters.

CONTROL MANHOLE — A manhole which is installed along a sewer and which provides access for the observation, sampling, and measuring of wastes.

COOLING WATER — The water discharged from any system of condensation, air conditioning, cooling; refrigeration or other sources. Such water shall contain no polluting substances which could produce BOD, SS or toxic pollutants or substances limited in these amended rules and regulations.

DOMESTIC WASTEWATER — The wastewater principally derived and discharged from dwellings and institutions and the like and containing human excrement and liquid waste from the noncommercial preparation, cooking and handling of food.

DRAIN LAYER — A person licensed by the Town of Charlton to lay building sewers from existing public sewers to building drains.

EASEMENT — An acquired legal right for the limited use of land owned by others.

EPA — The United States Environmental Protection Agency.

EXCESSIVE — Quantities and/or concentrations of a constituent of a wastewater which, in the judgment of the Board:

- A. Will cause damage to any Charlton facility;
- B. Will be harmful to a wastewater treatment process;
- C. Cannot be removed in the treatment works to the degree required to meet effluent discharge limitations;
- D. Can otherwise endanger life, limb, or public property; and/or can constitute a nuisance.

FACILITIES — Includes structures and conduits for the purpose of collecting, treating, or disposing of domestic, industrial, or other wastewaters (including treatment and

disposal works, lateral, interceptor, outfall, and outlet sewers, pumping stations, equipment and furnishings, and other connected appurtenances).

FLOATABLE OIL — Oil, fat, wax, or grease that will separate from wastewater under the force of gravity. A wastewater shall be considered free of floatable oil if it is properly treated and the wastewater does not interfere with the collection system.

FLOW EQUALIZATION FACILITIES — Provide storage of wastewater for release to a sewer system or treatment plant at a controlled rate, thus mitigating variations in flow and composition.

GARBAGE — The food wastes resulting from the handling, preparation, cooking, serving or distributing of food.

HAULER — Any person who contracts for the disposal of septage and has obtained a septage handler permit from the Board of Health.

IMPROVED PROPERTY — Any property upon which there is a structure from which domestic wastewater and/or industrial wastes shall be discharged.

INCOMPATIBLE POLLUTANT — A substance that is not amenable to removal in substantial amounts by the regional wastewater treatment facilities or which may cause damage to transmission or treatment facilities or impact overall treatment of wastewater. Incompatible pollutants include, but are not limited to, toxic biocumulative organics, toxic metals and persistent organics.

INDUSTRIAL ESTABLISHMENT — Any room, group of rooms, building or other facility used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article from which any process waste, as distinct from domestic wastewater, may be discharged.

INDUSTRIAL USER — A manufacturing, processing, or other nonresidential facility (such as hospitals, commercial laundries, and tank and barrel cleaning operations, etc.) which discharges nonsanitary industrial wastes into a public sewer.

INDUSTRIAL WASTES — Any solid, liquid or gaseous wastes and wastewater, exclusive of sanitary sewage, resulting from an industrial or manufacturing process; or discharged from a commercial, governmental or institutional facility; or from the development, recovery or processing of natural resources and any wastes not listed as conventional pollutants under 40 CFR 401.16.

INTERFERENCE — A discharge which, alone or in conjunction with discharges from other sources:

- A. Inhibits or disrupts the treatment facility, its treatment processes or operations, or its sludge processes, or disposal; and
- B. Causes a violation of any requirement of the treatment facility NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent

state or local regulations): Section 405 of the Clean Waters Act, the Solid Waste Disposal Act (SWDA) [including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

INVERT — The bottom inside of the sewer pipe.

MAJOR CONTRIBUTING INDUSTRY — One that:

- A. Has flow of twenty-five thousand (25,000) gallons or more per average work day;
- B. Has a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste;
- C. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a)(1) of P.L. 92-500; or
- D. Has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from that treatment works.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

OWNER — Any person or persons vested with ownership, legal or equitable, sole or partial, of any improved property.

PASS THROUGH — A discharge which exits the treatment facility into waters of the United States in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the treatment facilities NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON — Any individual, firm, company, association, society, corporation, group, or municipality.

pH — The logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter. Neutral water, for example, has a pH value of seven (7) and a hydrogen ion concentration of ten (10) to the negative seven (-7). Any EPA-approved method of measurement may be used for this measurement.

PHOSPHORUS or TOTAL PHOSPHORUS — The total of organic phosphorus and inorganic phosphorus.

PLUMBING INSPECTION PERMIT — A notification to the Plumbing Inspector that work that could affect the sanitary system was to commence and that he/she is authorized by the applicant to review the property to determine if further work would be required. This "inspection permit" shall in no way negate the need for a "plumbing permit" issued by the Plumbing Inspector, but conversely, a "plumbing permit" issued by the Plumbing Inspector shall negate the need for a "plumbing inspection permit" issued by the Water/Sewer Department.

POLLUTANT — Any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of a treatment facility or its receiving waters.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on a user.

PROPERLY SHREDDED GARBAGE — Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch [one and twenty-seven hundredths (1.27) centimeters] in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW) OR TREATMENT FACILITY — Treatment works operated by the Town of Charlton or its agents, including any devices and systems (whether owned by it or under its control) used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes, including the wastewater treatment plant or plants and appurtenances, structures, pipes, pumping stations and other devices conveying wastewater to the treatment plant or plants, and sludge processing systems whether operated by the Town or by its agent.

PUBLIC SEWER — A sewer which is controlled by public authority.

RECEIVING WATERS — Any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving wastewater discharges.

RULES AND REGULATIONS — The provisions of this bylaw or any rule or regulation lawfully prescribed by the Charlton Water and Sewer Commissioners under MGL c. 83, § 10, or under any other enabling legislation or authority.

SANITARY SEWER — A sewer which carries wastewater, and to which storm, surface, and groundwaters are not intentionally admitted.

SEWAGE — See "wastewater."

SEWER — A pipe or conduit which carries wastewater.

SEWERAGE — The complete system of piping, pumps, and appurtenances for the collection and transport of wastewater.

SHALL — Is mandatory; "may" is permissive.

SLUG — Any discharge of water, wastewater, or industrial waste which exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour constituent concentration, or flow, during normal operation.

STATE — The Massachusetts Department of Environmental Protection, Division of Water Pollution Control, or any successors.

STORM DRAIN or STORM SEWER — A pipe which carries storm and surface waters, drainage, and unpolluted cooling water, but excludes wastewater and industrial wastes.

SUPERINTENDENT — The duly authorized agent acting for the Board of Water and Sewer Commissioners of the Town of Charlton.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, wastewater, or other liquids, and which are not removable by laboratory filtering. Suspended solids are referred to as nonfilterable residue in the laboratory test prescribed in "*Standard Methods for the Examination of Water and Wastewater.*"

SYSTEM'S DEVELOPMENT CHARGE — A fee assessed to property that has not had a "betterment assessment" levied and is now able to connect to the municipal system. System's development fees shall be paid prior to Water/Sewer Department sign-off on the "application for building permit."

WASTES — Substances in liquid, solid or gaseous form that can be carried in water.

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

WASTEWATER TREATMENT WORKS — Any arrangements of devices and structures used for treating wastewater.

WASTEWATER WORKS — All structures, equipment and processes for collecting, pumping, treating, and disposing of wastewater.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II Building Sewers and Connections

§ 165-2. Prohibitions and restrictions. [Amended 10-27-2009 STM by Art. 10]

Building sewers shall be constructed by licensed drain layers only. No person may uncover, connect to, open, alter, repair, or disturb a public sewer, or sewage works without a connection permit from the Superintendent. Any person proposing a new discharge from any commercial or industrial use or a new discharge in excess of one thousand (1,000) gallons per day from any residential use, or a substantial change in the volume or character of pollutants in an existing discharge, into the sewage works must notify the Water/Sewer Department at least forty-five (45) days before such proposed discharge or change. No person may break, cut, connect to, or remove any part of the

public sewer. Building sewers shall connect to the existing connection branches unless an alternative manner is approved by the Superintendent.

§ 165-3. Connection permits.

- A. There are three (3) classes of connections permits:
 - (1) Residential connection permits.
 - (2) Business/Commercial connection permits.
 - (3) Industrial connection permits.
- B. Applications shall be made on a special form furnished by the Charlton Water/Sewer Department. Completed applications shall be forwarded to the Superintendent of the Charlton Water/Sewer Department for approval. All industrial and commercial permits, and all residential permits for average daily flows in excess of one thousand (1,000) gallons per day, require approval from the Board of Water and Sewer Commissioners.
- C. Permit and inspection fees for connection permits shall be paid to the Town when an application is filed. The applicant shall also be issued, in the absence of a plumbing permit issued by the Plumbing Inspector or his/her designee and for a fee of ten dollars (\$10), a plumbing inspection permit for the purpose of having the Plumbing Inspector, or his/her designee, review the interior of the property to assure that all sanitary codes have been complied with, when connection to the municipal system is accomplished. If a permit is issued, it shall be valid for no more than sixty (60) calendar days from date of issue.
- D. A drain layer may not have more than three (3) connection permits outstanding without written permission from the Superintendent. The permit shall be available for inspection at the site of work. Drain layers may install building sewers only during normal working hours of the Water/Sewer Department. Emergency working hours may be approved on a case-by-case basis by the Superintendent or the Board.

§ 165-4. Installation cost and indemnification.

Costs incidental to the connection of the building sewer to the public sewer and inspection by the Superintendent or his/her designee shall be borne by the property owner or owner of the building. In either case, the owner shall indemnify the Town from any loss or damage that may directly or indirectly be caused by the installation and connection of the building sewer.

§ 165-5. Separate building sewers required.

A separate and independent building sewer shall be provided for every building; unless otherwise approved by the Board. In cases where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered one

building sewer, if approved by the Board. The Town will not assume any responsibility for damages caused by any such connection.

§ 165-6. Existing building sewers.

The use of existing building sewers must cease if they are found upon examination and testing by the Board, or its designee, to be in violation of any requirement of this bylaw or of applicable rules or regulations.

§ 165-7. Method of construction.

The size, slope, alignment, and materials of construction of a building sewer, and the methods used in excavating, placing the pipe, jointing, testing, backfilling, and paving of the trench shall conform to all applicable rules and regulations and bylaws of the Commonwealth of Massachusetts and the Town. In the absence of code provisions, or in amplification thereof, the materials of modern sanitary engineering shall apply.

§ 165-8. Connection to building drain.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In buildings in which the building drain is too low to permit gravity flow to the public sewer, wastewater shall be lifted by an approved means and discharged to the building sewer.

§ 165-9. Prohibited connections.

No person shall connect roof downspouts, exterior foundation drains, sump pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer which discharges to a sanitary sewer. Any business, commercial, or industrial establishment, residence or building found to have any of the above-mentioned connections shall immediately eliminate said connection, regardless of when the connection was made, or will be subject to fines outlined in Article VII.

§ 165-10. Method of pipe laying and backfilling.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in current specifications of the ASTM and *WPCF Manual of Practice No. 9*. All such connections shall be made gastight and watertight. Special appurtenances to prevent the backflow of wastewater may be required if deemed necessary by the Superintendent. Any deviation from the prescribed procedures and materials must be approved in writing by the Board or the Superintendent before installation, denoting the grounds for such deviation.

§ 165-11. Notification and inspection of work.

The applicant for the building sewer permit shall notify the Superintendent at least forty-eight (48) hours prior to the start of an approved installation, unless a "Dig-Safe" number has been issued, and a second time when the building sewer is ready for inspection and

connection to the public sewer. The applicant shall connect all sanitary sewer discharges to the building sewer and the connection to the public sewer shall be made under the supervision of the Superintendent or an appointed representative. All connections shall be made in the approved manner; no caps and/or plugs are to be removed without explicit orders, and under the direct supervision of the Superintendent or his/her designee, the existing septic tanks must be pumped, crushed and filled then inspected by the Superintendent or his/her designee before any approval can be granted. When leaching fields are encountered, the Health Agent shall be notified. No backfilling of any trench shall be made without the approval of the Superintendent. The interior of the property shall be inspected by the Plumbing Inspector or his/her designee, to assure compliance with all applicable plumbing code requirements.

§ 165-12. Protection of public property.

Excavations for building sewer installations shall be adequately guarded with barricades and lights, or a police detail may be required 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. Except in the case of an emergency, when it is necessary to close off a street, the Town's Fire Department and Police Department shall be notified in writing no later than twenty-four (24) hours in advance. A street opening permit shall be obtained from the Town at least seventy-two (72) hours before opening the street except under emergency conditions as determined by the Superintendent and approved by the Charlton Police Department.

§ 165-13. License for drain layers. [Amended 10-27-2009 STM by Art. 10]

Drain layers must obtain a license from the Board before performing any work. Licenses shall be issued for one (1) calendar year commencing January 1, names to be listed in a policy to be set by the Board. The applicant will supervise and be responsible for all work performed under the license. Any blasting required shall be done by a person licensed to perform blasting in the Commonwealth, and only after receiving a blasting permit from the Charlton Fire Department. The applicant shall submit certificates of insurance to cover general liability, including one hundred thousand dollars (\$100,000)/three hundred thousand dollars (\$300,000) for bodily injury, and fifty thousand dollars (\$50,000) for property damage. A bond, cash deposit or certified check for five thousand dollars (\$5,000) and three (3) letters of recommendation must also be submitted. In order to qualify for a drain layer's license, an applicant must be a license holder in good standing from the Town of Charlton; or provide proof of current licenses from three (3) other Massachusetts municipalities; or take and pass a written exam at the Town's sewer plant. No insurance policy may be canceled without thirty (30) days' prior written notice by registered mail to the Water/Sewer Department and the Fire Department. Such insurance shall indemnify the Town against all claims, liabilities, or actions for damages incurred in, or in any connected with, the performance of work by a drain layer and for, or by reason of, any acts of omission of said drain layer in the performance of his/her work. If insurance or bond is canceled or expires, the drain layer's license shall become void.

§ 165-14. Licensee not to allow use of name by another.

- A. No person duly licensed to construct building and other private sewers and make connections with public sewers may allow his/her name to be used by any other person for the purpose of obtaining permits or for doing work under his/her license. Licenses are issued to individuals only, not companies. More than one (1) person may be listed on an individual license at the discretion of the Board of Water and Sewer Commissioners.
- B. Building sewer installation work may only be performed by drain layers licensed by the Board. Applicants for permits to do such work must be licensed drain layers, or the property owners.

§ 165-15. Annual fee.

The Board of Water and Sewer Commissioners may from time to time establish just and equitable annual charges for the use of public sewers and the wastewater treatment works. This annual fee shall be paid by every person with a connection to the public sewerage system. The money received may be applied to the costs for operation and maintenance of the wastewater works or any debt contracted for sewerage purposes.

**ARTICLE III
Extensions of Public Sewers**

§ 165-16. Prohibitions.

No person shall extend, uncover, make any connections with, openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Board.

§ 165-17. Notification and review; engineering fees.

Any person proposing an extension of the public sewer shall notify the Board at least forty-five (45) days prior to the proposed beginning of construction. Included with this notification shall be two (2) sets of construction plans and specifications in sufficient detail to allow the Board to determine whether or not the proposed extension complies with the technical provisions of this bylaw, and good sanitary engineering practice. The plans and specifications shall be stamped by a registered professional engineer. It is recommended that any person proposing an extension of the public sewer submit a preliminary conceptual design for tentative approval by the Board. If deemed necessary by the Board, the definitive plans and specifications shall be reviewed by the Board's engineer, at the expense of the owner/contractor/applicant. The cost of engineering services shall be paid in full before review or final approval of plans is given. An engineering review fee will generally be as follows: single or double residences, one hundred dollars (\$100); additional residences, five hundred fifty dollars (\$550)/residence, costs not to exceed the actual cost plus administrative fees. Business/Commercial or industrial to be set by the Board. An additional ten percent (10%) administrative fee shall also be assessed.

§ 165-18. Costs for installation and connections.

All costs incident to the installation and connection of the public sewer shall be borne by the owner/contractor/applicant. The owner/contractor/applicant shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the public sewer.

§ 165-19. Building sewers (service connections).

A separate and independent house service connection shall be provided between the sewer main and the property line for each separate piece of property which the public sewer abuts, unless otherwise approved by the Superintendent.

§ 165-20. Construction and material specifications.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes, and other applicable rules and regulations of the Town. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (ASTM) and in Water Pollution Control Federation (WPCF) *Manual of Practice No. 9* shall apply.

§ 165-21. Resident inspection.

During construction there must be a full-time qualified inspector, approved by the Board, unless otherwise waived by the Board, to inspect the work for conformance with this bylaw, with the approved plans and specifications, and with good sanitary engineering practice. All costs related to the engineering inspection plus a ten percent (10%) administrative fee shall be borne by the owner/contractor/applicant, an estimated amount will be set by the Board and will be payable prior to the issuance of the permit.

§ 165-22. Record drawings.

Within thirty (30) days of the completion of construction, the owner/contractor/applicant must submit to the Board one (1) set of reproducible as-built record drawings. The drawings shall show the actual in-place plan and profile of the public sewer, as well as house service connections. Ties shall be provided for all manholes and house services. Depths of house service shall also be provided.

§ 165-23. Public safety.

All excavations for sewer installation shall be adequately guarded by the owner/contractor/applicant 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 Superintendent of Streets and/or the Sewer Superintendent. When deemed necessary by the Police Chief, a Sewer Commissioner, or the Superintendent, uniformed police officers shall be on-site for safety purposes at the expense of the owner.

§ 165-24. Qualifications of contractor.

- A. Whenever public sewers are to be constructed the Board may make such investigations as it deems necessary to determine the ability of the contractor to perform the work, and the contractor shall furnish to the Board all such information the Board may request, including but not limited to bonding capability, proof of insurance, references, and a list of equipment to be used. The Board reserves the right to reject the contractor if the evidence submitted fails to satisfy the Board that he/she is properly qualified to complete the work as proposed. As a minimum, the contractor shall have been engaged in the mainline public sewer construction business for at least three (3) years; shall have good references; shall have adequate equipment to complete the work; shall have personnel experienced in mainline sewer construction; and shall be bondable for the full amount of the estimated construction cost.
- B. The contractor's qualifications shall be approved by the Board prior to beginning work.

ARTICLE IV
Use of Public Sewers

§ 165-25. Unlawful discharges.

It is unlawful to deposit, discharge, or otherwise dispose of domestic wastewater, industrial wastes, or other wastes in the Charlton sewer system, except in accordance with this bylaw, applicable rules or regulations and other applicable law.

§ 165-26. Board approval of discharges.

It shall be unlawful to discharge any domestic wastewater, industrial wastes, or other wastes to a natural outlet without first obtaining any necessary federal, state, and local discharge permits and performing proper treatment subject to the approval of the Board.

§ 165-27. Required connection to public sewer.

Owners of houses, buildings, or properties abutting on a street, alley, easement, or right-of-way in which a public sewer is located, or may in the future be located, may be ordered by the Town's Board of Health (acting under Title 5, 310 CMR 15.02) to connect to such public sewer for disposal of domestic wastewater with the approval of the Board of Water and Sewer Commissioners.

§ 165-28. Disposal of unpolluted waters.

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

§ 165-29. Industrial wastewater.

Persons, including industries, who desire to discharge industrial wastewaters into Town facilities shall make their requests in writing to the Board. The Board may require the applicant to furnish analyses of the proposed wastewater discharge to determine its acceptability for discharge into the Charlton sewer system. Costs for additional treatment, or for repairing damages to municipal facilities, due to violations of the Board's rules and regulations, shall be reimbursed to the Town by the violating person or industrial user.

§ 165-30. Prohibited wastes.

No person shall discharge, or shall cause or allow to be discharged into any sewer under the control of the Board, any substances, water or wastes that the Town and/or the community in which the wastes are treated has identified as likely, either singly or by interaction with other substances:

- A. To harm either the sewerage system or the wastewater treatment process;
- B. To pass through, or cause interference, or be otherwise incompatible with the treatment process, including sludge disposal;
- C. To cause a violation of any federal or state permits issued to the wastewater treatment facilities;
- D. To affect adversely receiving waters or violate water quality criteria;
- E. To endanger life, limb or public property; or
- F. To constitute a nuisance.

§ 165-31. National pretreatment standards.

All users of the Town sewerage system shall comply with the most stringent of current National Pretreatment Standards as set by the EPA, state or local requirements or the limits contained in 360 CMR 10.024. Upon the promulgation of national pretreatment standards for the particular industrial category, it will be the responsibility of the user to comply with all applicable requirements under the Act and under Subtitles C and D of the Resource Conservation and Recovery Act. Users within those industrial categories shall submit to the Town all reports required by 40 CFR 403.12.

§ 165-32. Specific prohibitions.

- A. The following discharges are specifically prohibited:
 - (1) Ground, storm and surface waters, roof and surface runoff, and subsurface drainage.
 - (2) Non-contact cooling water and non-contact industrial process waters or uncontaminated contact cooling water and uncontaminated industrial process water.
 - (3) Fuel oils, crude oils, lubricating oils or any other oils, or greases of hydrocarbon or petroleum origin, in excess of fifteen (15) milligrams per liter.

- (4) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage system or receiving waters. At no time shall a reading on an explosion hazard meter at the point of discharge to the sewer or at any point therein exceed ten percent (10%) of the lower explosive limit of the substance. Substances regulated hereby include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, peroxides and methyl ethyl ketone and any other substances which the Board, DEP, or EPA has notified the user is a fire hazard or a hazard to the sewerage system or receiving waters.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, sewerage systems and personnel. If national pretreatment standards promulgated by the EPA impose more stringent standards, affected users within the category must comply with the more stringent limitations.
- (7) Waters and wastes which adversely affect the ability to dispose of wastewater residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.
- (8) Solids or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system, such as, but not limited to, sand, mud, metal, glass, wood, plastic, improperly shredded garbage, rubber, latex, lime or other slurries, grease, animal guts or tissues, bones, hair, hides or fleshings, whole blood, entrails, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass clippings, rags, spent grains, spent hops, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, or glass grinding or polishing wastes.
- (9) Liquids or vapors having a temperature higher than eighty-two degrees Celsius (82° C.) or one hundred eighty degrees Fahrenheit (180° F.) unless the Board approves alternative temperature limits, but in no case heat in such quantities that it may cause the temperature at the wastewater treatment facilities to exceed forty degrees Celsius (40° C.) or one hundred four degrees Fahrenheit (104° F.).
- (10) Waters or wastes containing fats, wax, grease or oils, not specifically prohibited elsewhere in this bylaw, in excess of one hundred (100) mg/l or containing other substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32° F.) or zero degrees Celsius (0° C.), and one hundred eighty degrees Fahrenheit (180° F.) or

eighty-two degrees Celsius (82° C.). Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible floating oils, fats and greases. The use of chemical or physical means to bypass or release fats, oils, and greases into any sewer is prohibited.

- (11) Waters or wastes containing amounts of toxic or objectionable metals or non-metals in excess of the limits contained herein or as designated by the Board or in the sewer use discharge permits.
 - (12) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by federal or state regulations.
 - (13) Wastewater treatment facility sludge.
 - (14) Substances exerting or causing turbidity or discoloration in such quantities as to change noticeably the color of the wastewater at the sewage treatment facilities, including, but not limited to, dye waters and vegetable tanning solutions.
 - (15) Slugs as defined herein.
 - (16) Hazardous waste or wastewater resulting from treatment of hazardous or toxic wastes, as designated under state and federal law, and discharged to the sewage system by dedicated pipe, truck or rail.
 - (17) Discharges containing pathogenic organisms in such quantities as determined by appropriate local, federal and/or state officials to be a hazard to public health.
 - (18) Filter backwash from industrial pretreatment processes or wastewater treatment plants unless specifically authorized by the Board.
 - (19) Any substance which will violate any NPDES and/or state permit, or the receiving water quality standards, or otherwise violates any federal or state law, regulation, administrative rule.
 - (20) Septage originating from outside the Town unless approved in writing by the Board.
- B. In no case shall a substance discharged to the system cause the Board, or any receiving facility, to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used. In no case shall a substance discharged to the sewer system cause the Board, or any receiving facility, to incur additional expense for the handling, treatment, or disposal of wastewaters of sludge because of the nature or characteristics of the discharged substance.
- C. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the National Standard, if more stringent than the limitations imposed under these regulations for sources in the subcategory, shall

immediately supersede the limitations imposed hereunder. The user shall be responsible for all applicable reporting requirements of this section. State requirement and limitations on discharges shall apply in any case where they are more stringent than national requirements and limitations or those set forth in these regulations.

§ 165-33. Industrial sewer discharge permits.

- A. All industrial users shall obtain an industrial sewer discharge permit. All new facilities or facilities under new ownership shall obtain an industrial sewer discharge permit before connection to the public wastewater collection system or before transfer to new ownership. Industrial users required to obtain an industrial sewer discharge permit shall complete and file with the Town an application in the form prescribed by the Town.
- B. Existing industrial users shall apply for a sewer discharge permit within thirty (30) days after the effective date of these regulations, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the sewer system. Permits shall be issued for a specific time period, approved by the receiving municipality, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. An industrial user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the applicant's existing permit. The terms and conditions of the permit may be subject to modification by the Board during the terms of the permit as discharge standards or requirements are modified or other just cause exists. The industrial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Industrial sewer discharge permits are issued to a specific user for a specific operation. An industrial sewer discharge permit shall not be reassigned or transferred to a new owner, a new user, different premises, or a new operation without the approval of the Board.

§ 165-34. Disposal of prohibited wastes.

- A. If any wastewaters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain characteristics as outlined in this section, the Board may:
 - (1) Reject the wastewaters or wastes;
 - (2) Require pretreatment of wastewaters or wastes to modify them to an acceptable condition for discharge to the public sewer system;
 - (3) Require control over the quantities and rates of discharge of the wastewaters or wastes; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastewaters or wastes not covered by existing taxes or sewer fees.

- B. If the Board permits the pretreatment or equalization of wastewater or waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, bylaws and laws and the rules and regulations of the Board. Any costs involved with such reviews shall be paid by the person requesting the permit. The applicant shall maintain and operate pretreatment and equalization facilities at his/her own expense.

§ 165-35. Pretreatment requirements.

- A. All categories of users subject to categorical pretreatment standards and requirements are required to submit to the Board records and reports as required and defined by 40 CFR 403.12 and state regulations and to any other reasonable requests for information from the Board. All industrial users are required to submit the information listed below. All reports submitted to the Town must be signed by a responsible corporate officer of a corporation, a general partner of a partnership, the sole proprietor of a sole proprietorship, or a duly authorized representative of an individual. Such reports are to include, but are not limited to:
- (1) Baseline report (including compliance schedule) due within one hundred eighty (180) days after the effective date of an applicable categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later.
 - (2) Report on compliance with categorical pretreatment standard deadline is due within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new user following commencement of introduction of wastewater into the POTW.
 - (3) Periodic reports on continued compliance are due during the months of June and December, unless required more frequently by the Board or in the categorical pretreatment standard.
 - (4) Notice of slug loading or any other potential problem or condition of violation. The industrial user must submit the following information within two (2) hours of becoming aware of the violation [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 the violation;
 - (b) The period of the violation, including exact dates and times, if not corrected, the anticipated time the violation is expected to continue;
 - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the violation.
 - (5) Continuous pH measurement records, if user stores, uses or discharges any materials with a potential to alter the pH of the sewer discharge to a degree of violation. Users that have a potential discharge waste with a pH lower than 5.5

or in excess of 9.0 or having any other corrosive properties will be required to install a holding tank, at their own expense, so that representative sampling of the effluent may be taken by the Town or its agent, for analysis. A primary flow of measurement device must be installed in such a manner that it is the final collection point for waste before joining sanitary discharge points entering the Town's sewerage system.

- (6) Records pertaining to changes in the level or nature of business activity, production capacity, staffing or other activity which significantly alters the amount of wastewater produced, or the characteristics of the discharge.
- (7) Records of on-site storage (inventories) for all toxic or hazardous substances present at the facility, including the type and maximum quantity for each material located on the premises.
- (8) Records of generation rates and disposal shipments for all special and hazardous wastes, including residual substances produced or concentrated by any wastewater pretreatment systems or processes.
- (9) Training records and other documentation of qualifications for all personnel involved in the handling of hazardous wastes, special wastes and pretreatment systems or processes.
- (10) Purchasing records and logs for certain materials which have a bearing on the proper operation and maintenance of any wastewater pretreatment system. Such materials may include purchased acids, bases, polymers, filtration aids, media replacement cartridges, etc. The Town may also request the documentation of material throughout for any compounds or substances determined to be of particular concern because of interference, inhibition, pass-through, toxicity or safety to the public treatment works, the workers or the environment.
- (11) Water consumption records, such as meter readings, log books, line drawings and process schematics which describe the water using processes, the sources and final discharge points for water, including an itemization of water used in sanitary processes, cooling or product uses.
- (12) Water treatment additive dosage calculations and records, particularly any toxic additives such as biocides and anti-fouling agents.
- (13) Wastewater collection and treatment operation and maintenance records.
- (14) Records of any related permits, such as direct discharge permits for cooling water disposal or hazardous waste permits.
- (15) Laboratory analysis records of effluent discharged into the POTW and any materials hauled off site for resource recovery or disposal.
- (16) Records of any and all enforcement actions, notices of violation, compliance schedules or pretreatment system approval letters.

- (17) Documentation of design flows, capacities, rated efficiencies and settings for all pollution control devices and systems, including, but not limited to, the wastewater pretreatment system components such as pumps, tanks, mixers, clarifiers, filter presses, centrifuges, and pH meters, recorders, flow meters and primary flow measurement devices.
- B. Any industrial user subject to the reporting requirements established in this section shall be required to maintain for a minimum of three (3) years all records of monitoring activities and results and shall make such records of monitoring activities available for inspection and copying by the EPA and the Board. The period of retention shall be extended during the course of any unresolved litigation in which the industrial user is involved.
- C. Information and data obtained from reports and other information supplied by any category of users shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge trade secrets or secret processes. Any user or industrial user able to make that demonstration is entitled to have those portions of reports and other requests for information, which would reveal trade secrets and secret processes, withheld from the public but other governmental entities may receive such information upon written request. Wastewater constituents and characteristics will not be recognized as confidential information under any circumstances.

§ 165-36. Grease, oil, and/or sand interceptors.

- A. Grease, oil, and/or sand interceptors shall be provided in all floor drains from garages, filling stations, restaurants, cleaning establishments and when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, or any flammable wastes, sand, or harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the Board, and shall be located so as to be readily and easily accessible for cleaning and inspection. The installation and material cost of such grease, oil, and/or sand interceptors shall be the responsibility of the property owner producing the waste discharge.
- B. Grease interceptors shall be constructed in accordance with Title 5, the State Sanitary Code, and oil interceptors shall be constructed and installed in accordance with Massachusetts Plumbing Code. Both shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Grease traps shall have a minimum of one thousand (1,000) gallons' capacity. All traps shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Deviations from the above descriptions shall require written approval from the Board.

- C. Grease interceptors shall be cleaned at least every three (3) months, unless otherwise approved by the Superintendent. Evidence of cleaning shall be submitted with the user's quarterly user charge payment. Failure to submit cleaning documentation may result in a fine. (See Article VII.)

§ 165-37. Compliance requirements.

The Board may require a user of the sewerage system to provide information needed to determine compliance with this bylaw. These requirements may include, but not be limited to:

- A. Wastewater peak discharge rate and volume over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes, and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility locations.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- H. When preliminary treatment or flow equalizing facilities are provided for any wastewaters or wastes, they shall be maintained continuously and satisfactory in effective operation by the owner at his/her expense.

§ 165-38. Control structures for industrial discharges.

When required by the Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater or wastes. Such structure, when required, shall be constructed in accordance with plans approved by the Board. The structure shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times to the Town personnel.

§ 165-39. Sampling and analyses.

- A. All measurements, tests, and analyses of the characteristics of wastewaters to which reference is made in this bylaw shall be determined in accordance with the latest edition of "*Standard Methods for the Examination of Water and Wastewater*" published by the American Public Health Association, and EPA test methods listed in 40 CFR 136 or suitable procedures adopted by the EPA, and shall be determined at the control structure provided, or from suitable samples taken at said control

structure. In the event that no special structure has been required by the Board, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls from an individual discharger is appropriate or whether a separate sample or samples should be taken.) Frequency of sampling shall be established by the Board on an individual basis.

- B. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board and/or other duly authorized employee of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over the discharges to the receiving waters.
- C. Any costs involved in examination and tests shall be paid by the individual industrial user. The Board may check these tests as necessary.

§ 165-40. Alternative requirements.

If any wastewaters contain the substances or possess the characteristics enumerated in Article IV of these regulations, the Board may:

- A. Modify the industrial sewer discharge permit;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge;
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Article IV; and/or
- E. Require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements.

§ 165-41. Dilution.

It shall be illegal to meet the requirements of this bylaw by diluting wastes in lieu of proper treatment.

§ 165-42. Sewer user fees.

- A. The annual cost to be paid to the Town shall be based on both a charge for fixed costs and a charge for fixed and variable costs related to flows and waste strength. The annual cost to be paid to the Town by users may also include a betterment fee intended for capital debt repayment.

- B. The annual cost to industrial and commercial establishments in addition to a minimum fee not less than the residential rate may include charges imposed by the municipality by which the waste is to be treated.
- C. Minimum annual fee will be determined based on a sewerage fee schedule established by the Board, and subject to periodic review and revision.

§ 165-43. Commercial sewer discharge permit.

- A. All commercial users shall obtain a commercial sewer discharge permit. All new facilities or facilities under new ownership shall obtain a commercial sewer discharge permit before connection to the public wastewater collection system. Commercial users required to obtain a commercial sewer discharge permit shall complete and file with the Town an application in the form prescribed by the Town. [Amended 10-27-2009 STM by Art. 10]
- B. Existing commercial users shall apply for a sewer discharge permit within thirty (30) days after the effective date of these regulations and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the sewer system. Permits shall be issued for a specific time period, approved by the receiving municipality, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. A commercial user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the applicant's existing permit. The terms and conditions of the permit may be subject to modification by the Board during the terms of the permit as discharge standards or requirements are modified or other just cause exists. The commercial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Commercial sewer discharge permits are issued to a specific user for a specific facility. A commercial sewer discharge permit shall not be reassigned or transferred to a new owner, different premises, or a new facility without approval of the Board.

ARTICLE V
Protection from Damage

§ 165-44. Vandalism.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with, any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and a fine not to exceed three hundred dollars (\$300) for each incident.

§ 165-45. Trespass.

No unauthorized person may enter or remain in or upon any land or structure of the sewerage works. Any person violating this provision shall be subject to charges of trespass.

§ 165-46. Floodplain construction.

The Board of Water and Sewer Commissioners, in reviewing all proposed municipal sewer facilities to be located in the Flood Plain Wetlands Protection Zone established under the Charlton Zoning Bylaw and in areas identified by the Federal Insurance Administration as having special flood hazards by Zones A, A1, A2 and A5 on the Charlton Flood Insurance Rate Map, shall require:

- A. New and replacement municipal sanitary sewerage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

ARTICLE VI

Powers and Authority of Inspectors

§ 165-47. Permission for inspection.

The Board, and other duly authorized representatives of the Board, bearing proper credentials and identification, shall be permitted to enter, at reasonable times (without prior notification), all residential/business/commercial and industrial properties for the purposes of inspection, observation, measurement, repair, maintenance, sampling, and testing in accordance with this bylaw or applicable rules and regulations. The Board or their representatives may inquire into metallurgical, chemical, oil, refining, ceramic, paper, or other industrial activity bearing on the kind and source of discharge to the public sewers, natural outlets, or sewage works.

§ 165-48. Entry on easements.

The Board, and other authorized agents of the Town, bearing proper credentials and identification, shall be permitted to enter upon all private properties through which the Town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance, and testing of any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.

§ 165-49. Failure or refusal to allow entry.

Any person or entity failing to arrange for, or refusing, entry or inspection under the provisions of the bylaw or any applicable rules and regulations shall be in violation of the bylaw and shall be subject to the fines and other penalties and enforcement action set forth in Article VII.

ARTICLE VII

Penalties

§ 165-50. Written notice.

Any person found to be violating any provision of this bylaw shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time

stated in such notice, permanently cease all violations. The Superintendent, at his/her discretion, can order an immediate cease and desist of discharge to the public sewers.

§ 165-51. Fines.

- A. The Board or its designees may assess any person who continues any violation beyond the time limit provided for above, whether intentionally or not, a fine not exceeding five thousand dollars (\$5,000) per day or such other fine as the Board may authorize by rule or regulation. Each day in which any such violation shall continue shall be deemed a separate violation.
- B. Failure to clean grease interceptors on a quarterly basis may result in a fine of three hundred dollars (\$300) per violation. Exceeding daily pretreatment standards shall be deemed a separate violation as each effluent characteristics listed in Article IV of these regulations or regulations by federal or state categorical pretreatment standards.

§ 165-52. Drain layers.

Any licensed drain layer who violates any rules and regulations specified in the Charlton Sewer Use Bylaw, or who does not perform in a satisfactory manner, as determined by the Board, shall be subject to penalties. The degree of penalties shall depend on the severity of the violation as determined by the Board, and shall range from an oral warning to revocation of license. In addition, fines shall be assessed in an amount determined by the Board, based upon the severity of the incident.

§ 165-53. Liability.

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

§ 165-54. Suspension of treatment service.

- A. The Board may suspend the wastewater treatment service, or an industrial sewer discharge permit, in order to stop an actual or threatened discharge which may endanger the health or welfare of persons, the environment, cause interference to the POTW, cause the Town/City treating the waters to violate any condition of its NPDES permit, any federal or state law, regulation, or administrative rule or order.
- B. Any person notified of a suspension of the wastewater treatment service or the industrial sewer discharge permit shall immediately cease discharge. Failure to comply with the suspension order may be cause for immediate severance of the sewer connection, to prevent damage to the POTW system or endangerment to any individuals. The Board shall reinstate the industrial sewer discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Board within fifteen (15) days of the date of occurrence.

§ 165-55. Cause to revoke permit.

Any user who violates the following conditions of these regulations or applicable state and federal regulations is subject to having its permit revoked, after a hearing before the Board:

- A. Failure of an industrial user to report the constituents and characteristics of its discharge;
- B. Failure of the industrial user to report the significant changes in operations, or wastewater constituents and characteristics;
- C. Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring;
- D. Violation of conditions of the permit; or
- E. Flagrant violation of this Sewer Use Bylaw.

§ 165-56. Legal action.

At any time the Board may take legal action in order to halt a discharge in violation of this bylaw or any applicable rules and regulations, the POTW's NPDES permit, or any federal or state law, regulation, or any administrative order of the Town or other governmental authority, or to enforce any provision of this bylaw or such rule, regulation, permit, law, or order, and any violator shall be liable to the Town for any and all damage and expenses, including attorney's fees, incurred by the Board or the Town in connection with or as a result of such action.

§ 165-57. Liens.

The Board, pursuant to filing a certificate of acceptance of conditions for the issuance of a sewer discharge lien with the Worcester County Registry of Deeds, may place a lien upon the property or premises for which sewer user charges, service charges, fees or penalties are more than sixty (60) days overdue. Notwithstanding such lien, any overdue sewer use charges or service charges may be collected through any legal means.

§ 165-58. Fraud.

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

§ 165-59. Publication of violators.

The Board will publish, at least once a year, a list of industrial users which, during the previous twelve (12) months, were significantly violating pretreatment requirements. A

significant violation is a violation which remains uncorrected for forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve-month period; which involves a failure to report noncompliance; or which resulted in the Board exercising its emergency authority under Article IV of these regulations.

ARTICLE VIII
Administration

§ 165-60. Validity.

- A. Conflicting bylaws. All bylaws or part of bylaws in conflict herewith are hereby repealed.
- B. Severability. The invalidity of any section, clause, sentence or provision of this bylaw shall not affect the validity of any other part of this bylaw which can be given effect without such invalid part or parts.

§ 165-61. Bylaw in force.

- A. This Bylaw shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- B. Any rules and regulations consistent with this bylaw may be adopted and/or amended by the Board in conformance with MGL c. 83, § 10.

§ 165-62. Due dates for sewer charges and bills; interest on unpaid balances. [Added 11-2004 STM]

All municipal charges and bills payable under this bylaw, with the exception of fees and charges as to which the bylaw requires immediate payment (by way of examples only, filing, inspection and connection fees), shall be due on the thirtieth (30th) day following the date of mailing of the bill or statement reflecting same, unless otherwise specifically provided by statute or other bylaw of the Town or by duly adopted rule or regulation of the Town's Water and Sewer Commissioners. Interest shall accrue and be payable on all amounts remaining unpaid after such due date at the maximum rate then in effect for unpaid assessments, rates and charges pursuant to MGL c. 59, § 57, as same may be amended from time to time, said rate as of the date of the initial adoption of the within section of this bylaw being fourteen percent (14%) per annum. (For the statutory authority for this section of the bylaw, see MGL c. 40, § 21E.)