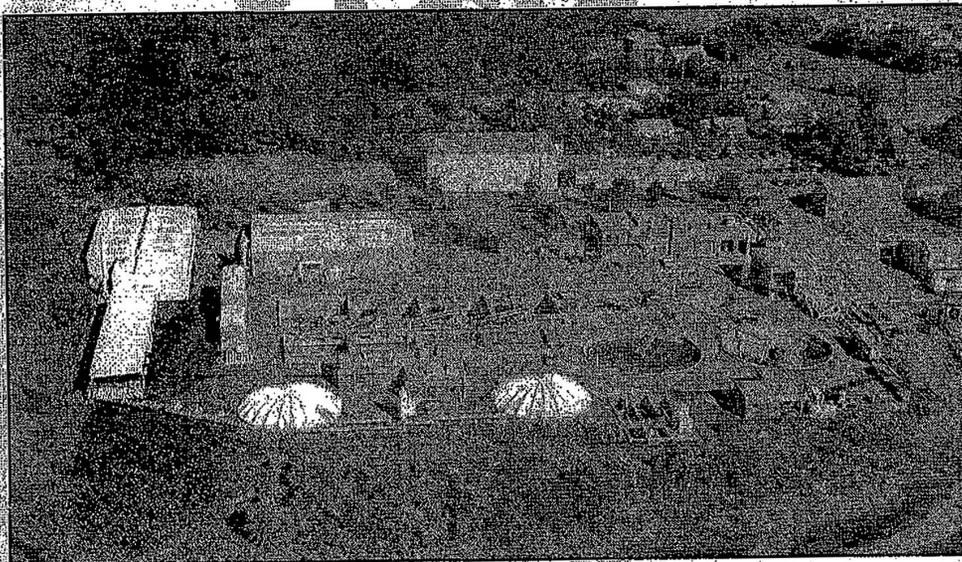


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Town of Somerset
Water Pollution Control



SANITARY SEWER | RULES AND REGULATIONS

TOWN OF SOMERSET
BOARD OF WATER AND SEWER COMMISSIONERS

TOWN OF SOMERSET SANITARY SEWER RULES AND REGULATIONS

Town of Somerset - Board of Water & Sewer Commissioners

John Bower, Chairman

Revised March 8, 2002

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

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

These rules and regulations will become effective January 1, 2003.

1. The Superintendent and the Board of Water and Sewer Commissioners shall be the designated municipal officials for approving applications to tie into or discharge into the Town sewer system.
2. Applications can be obtained at the office of the Superintendent of Somerset Water Pollution Control, properly filled out by the applicant, and returned to the same office for processing.
3. With the exception of single family residential dwellings, applicants from industrial establishments, businesses and subdivisions shall submit plans, specifications, permit applications, waste and flow data to the Superintendent of Somerset Water Pollution Control for review by the engineer appointed by the Board. After review, and if approved by the Board, the applicant shall file the sewer extension/connection permit with the Massachusetts Department of Environmental Protection. Upon approval of the Board, and DEP when required, a connection permit can be obtained at the office of the Superintendent.
4. For all sewer extensions, no building permit shall be issued until such time as the sewerage system has been properly inspected and approved, and record plan drawings approved, and notice of such approval is forwarded to the Building Inspector.
5. For sewer connections requiring a DEP permit, no building permit shall be issued until such DEP permit is obtained. No occupancy permit shall be issued until such time as the sewerage system has been properly inspected and approved, and record plan drawings approved, and notice of such approval is forwarded to the Building Inspector.
6. For all other sewer connections, no occupancy permit shall be issued until such time as the sewerage system has been properly inspected and approved, and record plan drawings approved, and notice of such approval is forwarded to the Building Inspector.

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 RULES AND REGULATIONS FOR THE INSTALLATION
 AND CONNECTION OF BUILDING SEWERS AND
 FOR THE USE OF PUBLIC SEWERS

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ARTICLE 1
DEFINITIONS

(Arranged in Alphabetical Order)

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

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

Section 2. "Board of Water and Sewer Commissioners" or the "Board" shall mean the Town of Somerset Board of Water and Sewer Commissioners as established by the Commonwealth of Massachusetts as an elected Board responsible for the Town of Somerset Water Pollution Control (the municipal sewer department). (The Board is also responsible for the Somerset Water Department.)

Section 3. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20EC, expressed in milligrams per liter (mg/l).

Section 4. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning ten (10) feet outside the inner face of the building wall.

Section 5. "Building Sewer" or "Sewer Service Connection" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 6. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 7. "Department" shall mean the sewer department of the Town of Somerset, officially named "Somerset Water Pollution Control" acting by its Superintendent or other authorized deputy, agent or representative who has been appointed by the Board of Water and Sewer Commissioners.

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

Section 9. "Fee Schedule" or "Schedule of Fees" shall mean the schedule of fees and user charges assessed by Somerset Water Pollution Control for permits, licenses and inspections. The fees and user charges shall be established by the Board and reviewed by the Board on an annual basis. The Fee Schedule is available at the Office of the Superintendent.

Section 10. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 11. "Indirect discharge" shall mean the discharge of pollutants into a POTW from any non-domestic source regulated under section 307 (b), (c) or (d) of the Act.

Section 12. "Industrial User" shall mean a source of indirect discharge to the wastewater collection system.

Section 13. "Industrial Discharge Permit" shall mean a non-transferable written and duly signed document by the Town issued to all Significant Industrial Users (SIU) for a period not to exceed five (5) years. This document shall contain, as a minimum, operational parameters, sampling requirements and schedules, discharge limitations and statements of violation penalties.

Section 14. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing process, trade or business, as distinct from sanitary sewage.

Section 15. "Insurance Coverage Schedule" or "Schedule of Insurance Coverage" shall mean the schedule of insurance coverages required by the Board for drain layers, equipment operators and other contractors performing work in connection with the Town's sewage works or these rules and regulations. The insurance coverages shall be established by the Board and reviewed on an annual basis by the Board. The Insurance Schedule is available at the Office of the Superintendent.

Section 16. "Interference" shall mean an inhibition or disruption of the sewage works, its treatment processes or operations, or its sludge processes, use or disposal which is a cause in whole or in part of a violation of any requirement of the sewage treatment plant's National Pollutant Discharge Elimination System permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the sewage treatment plant in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405

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of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act and the Toxic Substance Control Act.

Section 17. "National Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users.

Section 18. "National Pollutant Discharge Elimination System Permit" or "NPDES Permit" shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Section 19. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other body of surface or groundwater.

Section 20. "New Source" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section. A new source shall be construed as any that meet any of the three (3) conditions at 40 CFR 403.3 (1) (i-iii).

Section 21. "Pass Through" shall mean the discharge of pollutants through the sewage treatment plant into navigable water in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the sewage treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation).

Section 22. "Person" shall mean any individual, firm, company, association, society, corporation or government entity.

Section 23. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Section 24. "Pretreatment Coordinator" shall mean the individual designated by the Board to oversee the day to day implementation of the Industrial Pretreatment Program.

Section 25. "Pretreatment Requirement" shall mean any substantive or procedural pretreatment requirement, other than a National pretreatment standard, applicable to Industrial Users.

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Section 26. "Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Clean Water Act, which applies to Industrial Users, including prohibitions found in 40 CFR 403.5. Pretreatment standards shall include National Categorical Pretreatment Standards, prohibited discharges and local limits and requirements.

Section 27. "Private Sewer" shall mean a sewer that is not owned by the Town of Somerset. Private sewers include, but are not limited to, building drains, building sewers, sewers and manholes located on private property and not located within an easement held by the Town, and sewers owned by the Town. The connection from a private sewer to the public sewer system is also owned by the owner of the private sewer.

Section 28. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Section 29. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is owned and controlled by the Town of Somerset.

Section 30. "Rules and Regulations" shall mean the Town of Somerset, Massachusetts Rules and Regulations for Installation and Connection of Building Sewers and for the Use of Public Sewers.

Section 31. "Sanitary Sewer" shall mean a sewer carrying sewage and to which storm, surface and ground waters are not intentionally admitted.

Section 32. "Schedule of Penalties" shall mean the schedule of penalties assessed by the Board under Article XI of these Rules and Regulations. The penalty amounts shall be established by the Commonwealth of Massachusetts or the Board where the appropriate and reviewed annually by the Board. The Schedule of Penalties is available at the Office of the Superintendent.

Section 33. "Sewage" shall mean a combination of water-carried wastes from residential, business, institutional and industrial establishments, together with such ground, surface and storm waters as may be present.

Section 34. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 35. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

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Section 36. "Sewer" shall mean a pipe or conduit for carrying sewage and shall include manholes and appurtenant structures.

Section 37. "Sewer Extension Permit" or "Sewer Connection Permit" shall mean any of the permits issued under the sewer extension/connection permit program of the Commonwealth of Massachusetts, Department of Environmental Protection (DEP), or its successor.

Section 38. "Shall" is mandatory; "may" is permissive.

Section 39. "Significant Industrial User" shall mean any Industrial User discharging to the sewage collection system that meets any of the following criteria:

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

Section 40. "Significant Noncompliance" shall mean the Industrial User is in violation of one or more of the following criteria:

- a. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter.
- b. Technical Review Criteria (TRC) violations defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
- c. Any violation of a pretreatment effluent limit (daily, maximum or longer term average), that the Control Authority determines has caused, alone or in combination with other discharges,

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interference or pass through (including endangering the health of POTW personnel or the public).

- d. Any discharge of a pollutant that has caused the imminent endangerment to human health or welfare, or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (vi) (B) of 40 CFR 403.8 to halt such a discharge.
- e. Failure to meet within 90 days after a schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self monitoring reports and reports on compliance with compliance schedules.
- g. Failure to adequately report non-compliance.
- h. Any other violation or group of violations that the Town determines will adversely affect the operation or implementation of the local pretreatment program.

Section 41. "Slug" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

Section 42. "Somerset Water Pollution Control" or "SWPC" shall mean the municipal sewer department of the Town of Somerset, acting by its Superintendent or other authorized deputy, agent or representative who has been appointed by the Board of Water and Sewer Commissioners.

Section 43. "Standard Specifications and Details" or "Standard Specifications" or "General Requirements" shall mean the Standard Specifications and Details and General Requirements for the Design and Installation of Sewers and Appurtenances issued by the Board. Copies of the Standard Specifications are available for viewing and purchase at the Office of the Superintendent.

Section 44. "State" shall mean the Commonwealth of Massachusetts.

Section 45. "Storm Drain" (or "storm sewer") shall mean a pipeline that carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waste.

Section 46. "Superintendent" shall mean the Superintendent of Somerset Water Pollution Control, or his authorized agent or representative, who has been appointed by the Board.

Section 47. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 48. "Total Toxic Organic" (TTO) shall be defined as the summation of all quantifiable values greater than 0.001 mg/l for the organic parameters measured by EPA Methods 624, 625 and 608, and all purgeable organics. It is noted that TTO limits are established for certain categorical industries such as those regulated by the Metal Finishing Regulations, Electroplating Regulations, etc., and that the categorical TTO limits are separate and distinct from the TTO limit defined in these regulations.

Section 49. "Town" shall mean the Town of Somerset.

Section 50. "User" shall mean any person, inside or outside of the Town of Somerset, who contributes, causes or permits the contribution of wastewater into the Town's sewage treatment works.

Section 51. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II REQUIREMENTS FOR CONNECTING TO PUBLIC SEWERS AND USE OF SEWERS

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

Section 2. Public Sewers. The use of all public sewers in the Town shall be controlled by the Board of Water & Sewer Commissioners. No person shall, without prior authorization from the Board, uncover, excavate over, block access to, make any connection with or opening into,

alter or disturb the Town's wastewater system. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the Commission's wastewater. No person shall enter or install equipment into the Town's wastewater system without first obtaining written permission from Somerset Water Pollution Control.

Section 3. Private Sewers.

- a. All private sewers that connect to the Town's wastewater system shall be controlled as to discharge by the Board, but constructed, installed, maintained, repaired, and operated by their owners, at the owner's expense. All private sewers that connect to the Town's wastewater system shall be constructed, installed, maintained, repaired, and operated to the satisfaction of the Board. Discharges to the Town's wastewater system are also subject to Massachusetts DEP regulation.
- b. Repairs to private sewers in the Town, including repairs required to comply with these Regulations, shall be made by a licensed drain layer.

Section 4. Special Facilities. When required by the Board a user shall design, construct, install, operate and maintain special facilities which will provide for the regulation and control of the rate, volume and characteristics of wastewater discharged to the Town's wastewater system. The design of such special facilities shall be subject to the approval of the Board. Such special facilities shall be designed, constructed, operated and maintained at the owner's expense. The Town shall have the right to inspect such special facilities in accordance with Article IX, to ascertain compliance with these Regulations.

Section 5. Ownership and Maintenance of Building Sewers.

- a. Building sewers whether located on public or private property, are owned by the owner of the premises served. In the case where more than one premise is connected to the same building sewer, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair of the building sewer.
- b. The owner of the building sewer shall at times keep such sewers clean and in good repair in order not to cause excessive infiltration, exfiltration or inflow, depletion of groundwater, damage to property, odor or harm to the Town's sewers.

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- c. The owner shall maintain, repair, modify or replace an existing building sewer whenever it is determined by the Board that such sewers may endanger public health, create a public nuisance, result in public or private property damage, harm the Town's sewers, result in excessive infiltration, exfiltration or inflow, or impair water quality or the environment and in such other circumstances as the Board deems appropriate.
- d. Building sewers shall be shall be constructed, maintained, repaired, modified or replaced at the owner's expense.

Section 6. Construction of Below-Grade Plumbing. Prior to installing below grade plumbing, the owner shall submit a plan of the proposed plumbing to the Board for review and approval. Plumbing that is subject to the requirements of this Section shall include faucets, showers, baths, toilets and washing machine hookups. All plumbing fixtures located at an elevation below the top of the manhole on the Town sewer serving the proposed plumbing shall be considered to be liable to backflow and shall be equipped with a backwater valve in accordance with 248 CMR Section 2.09:(4) of the Uniform State Plumbing Code and 780 CMR Section 872 of the State Building Code. The backwater valve shall be installed and maintained at the owner's expense.

Section 7. Termination of Service. Every person seeking to obtain a Demolition Permit from the Somerset Building Department shall notify Somerset Water Pollution Control. Prior to demolition of any building, the owner shall have all building sewers cut and capped by a licensed drain layer at the connection to the public sewer or at the street line. The owner shall have the SWPC inspect all building sewers to ensure that they are properly cut and capped prior to backfilling.

Section 8. Expenses Borne by the Owner. All costs and expenses incident to the application form, design, construction, installation, connection, repair, and maintenance of a building sewer, other private sewers, special facilities, particle separators, grease traps, oil traps, or other wastewater facilities shall be borne by the owner. The owner shall indemnify the Town from and shall reimburse the Town for, any loss or damage directly or indirectly occasioned by the installation of any building sewer, private sewer, special facility, particle separator, grease trap, oil trap or other wastewater facility.

Section 9. New Developments and Subdivisions.

- a. Owners or developers of land that is to be subdivided under Chapter 41, Section 81K-81GG, of the Massachusetts General Laws shall, at the time of submission of a definitive subdivision plan to the Planning Board, furnish copies of sewer installation design drawings for said subdivision to the Board for review by

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- an engineer appointed by the Board. Owners or developers shall also furnish copies of the DEP sewer extension permit application and supporting documentation.
- b. The developer of any property that is within a reasonable distance from an existing sewer shall connect the property into the proper public sewer. The cost of sewer connection to the existing sewer shall be borne by the developer. Determination by the Board of what constitutes a reasonable distance shall take account of the size, nature and location of the development.
- c. The design and installation of sewers and service connections shall be in accordance with the Standard Specifications and Details and these Rules and Regulations.
- d. When a developer installs sewers in streets or right-of-ways in anticipation of the extension of an existing sewer, the cost of installing sewer service connections shall be borne by the developer.
- e. The design of any proposed sewage works must be approved by the Superintendent and the Board prior to submitting an application for the DEP sewer extension permit, if required, or prior to issuance of the Town permit for construction. Sewage works construction must be inspected and approved by authorized agents of the Superintendent. All costs and expenses incidental to the design, engineering review of design documents, construction, installation, engineering inspection of the construction, relocation, connections, testing, record plans, and engineering review of record plans shall be borne by the owner, developer or other sponsoring parties or agencies, including but not limited to, costs and expenses for applications, engineering, legal, permits, fees, bonds, and insurances. The approval of design documents by the Town shall not relieve the owner, developer or sponsoring agencies from fully complying with these Rules and Regulations, the Standard Specifications, and any other local, state or federal statutes or regulations.
- f. Any and all proposed contributions of non-domestic wastewater to the Town's sewage collection system shall be reviewed prior to any such discharge by the Superintendent and/or the Pretreatment Coordinator who may, at their discretion, confer with the Town's Consultant Engineering Firm. All such proposals shall be submitted in writing and shall include all relevant laboratory data and analysis. In addition, all New Sources shall submit a fully completed Industrial Discharge Permit application. The cost for engineering reviews of the proposal and permit application shall be borne by the applicant.

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

- g. Prior to commencing any work, the developer shall be responsible for obtaining all other applicable local, state and federal permits, including, but not limited to, the following: wetlands permits and orders of conditions, street opening permits, state highway permits, state sewer extension and connection permits, MEPA review, and stormwater discharge permits.
- h. Prior to commencing any work, the developer shall arrange for a preconstruction meeting to be held at the Office of the Superintendent attended by the developer, his contractor, his engineer responsible for layout and record plans, the Superintendent and the on-site inspector appointed by the Board.

Section 10. Out-of-Town Connections. Except as otherwise provided herein, this policy will apply to any application filed with the Board of Water and Sewer Commissioners after August 8, 2000 for a sewer service tie-in to property not presently serviced and not fully located within the Town of Somerset and amended on August 22, 2000. In order for such an application to be approved, the following conditions must be met:

- a. The property must have frontage on a street in the Town of Somerset with a sewer main in it.
- b. The property must be eligible for and receive metered water service from the Town of Somerset Water Department.
- c. A minimum of 51% of the property's total assessed value must be located within the Town of Somerset (said percentage is to be determined by dividing the assessed value of the portion of property located in Somerset by the total value of the parcel in question as assessed by the Town of Somerset and the neighboring town(s)).

- d. If such a sewer service connection is approved, the property owner must pay all installation expenses, connections fee and assessments as determined by the Board of Water and Sewer Commissioners, as well as an annual sewer fee based on the metered water consumption for the property.
- e. The property owner must obtain all required approvals from the other Town.
- f. This policy shall not apply to properties that are presently the subject of a duly approved intermunicipal agreement or other statutory authority. It shall also not apply to properties with an existing service lateral to the property line or which front on a Somerset sewer line located within the boundaries of another Town.

ARTICLE III BUILDING SEWERS AND CONNECTIONS

GENERAL REQUIREMENTS

Section 1. No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof which belongs or discharges to the Town of Somerset's sewerage system, whether within or outside of the Town, without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection.

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

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

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

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

Section 6. No building sewer shall be installed unless it is to be connected to the building drain for the immediate purpose of conveying sewage to the public sewer.

Section 7. The Property Owner is responsible for constructing, maintaining and repairing of the building sewer, whether on private or public property, from ten feet outside the foundation wall to the public sewer.

CONTRACTOR LICENSES, BONDS AND INSURANCE

Section 8. Licenses to install building sewers and make connections to the common sewers will be issued to experienced and competent contractors and to plumbers licensed to do business in the Commonwealth. Licenses must be renewed for each calendar year in January. License fees shall be established and reviewed annually by the Board. The Schedule of Fees is available at the Office of the Superintendent. The Superintendent may require a contractor or license applicant to pass an examination to demonstrate the individual's competency and knowledge of these Rules and Regulations, the Standard Specifications and Details, and typical sewer construction practices.

Section 9. Contractors, drain layers and equipment operators doing work hereunder shall maintain minimum insurance coverage as established by the Board for bodily injury, aggregate, property damage, XCU and performance bond. The Schedule of Insurance Coverage is available at the Office of the Superintendent. The insurance coverage shall also include coverage for the Contractor's equipment, operators and all other personnel. Contractors shall file a current certificate of same at the office of Somerset Water Pollution Control.

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

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Section 11. Report Violations. Licensed drain layers and plumbers are required to give a full written report to the Board within 24 hours if, in the course of performing their work:

- a. Prohibited substances are found in a building drain, building sewer, or plumbing is found that would allow discharges of such substances to a building drain on building sewer.
- b. Interconnections or illegal connections are observed, or
- c. A defect or deterioration of the building drain or building sewer is observed. Failure to provide such reports may lead to license suspension or in the case of repeated violations, to license revocation.

Section 12. Report Defective Sewers. Prior to connecting new work to an existing public or private sewer, licensed drain layers and plumbers shall visually inspect said existing pipe or manhole and immediately report to SWPC any observed defective material, obstruction or other condition that may affect the structural integrity or performance of said sewer.

Section 13. Violation of the requirements of these Rules and Regulations shall be cause for revocation of license by the Board.

CONNECTION PERMITS

Section 14. There shall be two (2) classes of building sewer connection permits: (a) for residential and commercial service; and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The connection permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Superintendent.

- a. A permit and inspection fee will be made for each residential or commercial building sewer service connection permit in those instances where the Town has already installed the building sewer from the main to the street line. This fee shall be payable to the Town upon issuance of the permit. In all other cases the full cost of the connection shall be borne by the applicant.

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- b. A permit and inspection fee retainer for an industrial sewer permit shall be paid to the Town at the time the application is filed. This fee does not cover the additional costs for municipal and engineering reviews of drawings, applications and other documentation that may be required for commercial and industrial sewer connections or for new subdivisions.
- c. Permit fees shall be established by the Board and reviewed on an annual basis by the Board. The Fee Schedule is available at the Office of the Superintendent.

Section 15. An application for permit shall be filed at the Office of the Superintendent. Applications are reviewed by the Superintendent and, if acceptable, approved by the Board at regularly scheduled Board meetings. Once the application is approved by the Board, connection permits for construction of building sewers and for connection to common sewers may be obtained weekdays at the office of the Superintendent during normal office hours. Permits for emergency repairs may be approved by the Superintendent.

Section 16. Connection permits will only be issued to plumbers licensed to do business in the Commonwealth and to contractors licensed to lay drains in the Town of Somerset. Connection permits are not transferable. Plumbers must file with the Board annually providing proof of plumbing license and insurance. Equipment operators shall be licensed by the Commonwealth of Massachusetts Department of Public Safety and shall carry insurance as required by the Board.

Section 17. Connection permits shall be subject to revocation when any of the Rules and Regulations contained herein are not being followed.

Section 18. If the work under the connection permit is not completed within ninety (90) days, renewal of the connection permit is required.

Section 19. Connection permits will not be issued until the applicant has filed a layout plan showing the location of existing service connection, house location and route of sewer service, and said layout has been approved by the Superintendent.

Section 20. Connection permits must be obtained for repair work to existing sewer service connections, and a fee will be charged, payable upon issuance of permit. Responsibility and liability for all repair work shall be the same as are herein imposed for original connections.

Section 21. No connection permit shall be issued, except in cases of emergency, to dig up or make an excavation in a public way until the applicant files with the Superintendent copies of the notices to public utility companies as required by General Laws Chapter 82, Section 40. No

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permit shall be issued without an up-to-date Dig Safe number. No permit shall be issued, except in case of emergency, to dig or make an excavation with power equipment on any privately owned land serviced by a public utility company which maintains underground facilities located on such land until he shall first give notice to the company or department servicing said land at least seventy-two (72) hours before commencing such excavation.

Section 22. No permit shall be issued for connecting a building sewer to a building drain until a plumbing permit has first been issued.

DESIGN AND CONSTRUCTION

Section 23. The design of and the materials and methods of construction for new sewers, service connections and repairs of service connections shall be in accordance with the Standard Specifications and Details, as amended.

Section 24. Services in excess of one hundred (100) feet may be subject to further review and such other requirements as may be found necessary to assure a functional connection.

Section 25. Upon connection of the building plumbing system to the common sewers, existing septic tanks and cesspools shall be removed or pumped and completely filled with suitable material, to the satisfaction of the Board of Health.

Section 26. Backwater Valves. All existing or new building drains from plumbing fixtures liable to backflow from a Town's sewer, or a private sewer connected to a Town sewer, shall be required to have backwater valves installed at the owner's expense. Any plumbing fixture located at an elevation below the top of the manhole on the Town sewer serving the fixture shall be considered to be liable to backflow. Backwater valves shall be installed in accordance with the Uniform State Plumbing Code, 248 CMR, Section 2.09:(4) and 780 CMR Section 872 of the State Building Code.

Section 27. Connections shall not be cut into common sewers without permission.

WORK IN PUBLIC AND PRIVATE WAYS

Section 28. It shall be the contractor's responsibility to make sure that all excavations and obstructions are adequately barricaded and lighted at all times to protect the public from harm.

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Section 29. Trenches shall be backfilled and compacted, and the street surface repaired in accordance with requirements of the Somerset Highway Department.

Section 30. Power shovels, bulldozers, loaders, trucks and other equipment shall not be operated on or across sidewalks, berms, curbs, etc., until they have been properly protected from damage by planking or other approved means. All damage resulting from the contractors' operations shall be repaired by them.

Section 31. When making a sewer connection in a State Highway, the necessary permit from the Massachusetts Highway Department must be obtained prior to the issuance of a sewer connection permit by the Town. All work shall then be done in accordance with the requirements set forth in the permit from the Massachusetts Highway Department. Any costs in connection therewith shall be borne by the applicant. A copy of the permit shall be provided to the Superintendent.

ROCK EXCAVATION

Section 32. When ledge is encountered in the excavations and must be blasted, a permit must be obtained from the Fire Chief for the use of explosives.

Section 33. All blasting shall be done in accordance with the requirements of the Massachusetts Department of Public Safety and such requirements as imposed by the Fire Chief.

Section 34. All blasting must be done by a person licensed by the Department of Public Safety for this purpose.

Section 35. Blasting operations shall be conducted only by persons who have posted a \$20,000 bond with the Treasurer of the Commonwealth of Massachusetts, or who have posted a bond with the Somerset Town Clerk in accordance with General Laws Chapter 148, Section 19.

INSPECTIONS AND TESTING

Section 36. Request for inspections on new sewer service connections shall be made a minimum of forty-eight (48) hours preceding the installation, and no sooner than forty-eight (48) hours after issuance of the Connection Permit.

Section 37. Inspections will generally be made only during the normal working hours of Somerset Water Pollution Control. The Fee

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Schedule is available at the Office of the Superintendent. Fees are established and reviewed annually by the Board.

Section 38. For industrial connections, more complex commercial connections and subdivision sewer extensions, the applicant will be charged all costs for inspections. It will be the applicant's responsibility to hire the on-site inspector appointed by the Board. Charges will reflect the prevailing wage rates of the personnel making the inspection, overhead costs and expenses. Additional charges will be made for inspections required after normal working hours, on weekends or holidays, or for additional inspections.

Section 39. For residential and commercial service connections, the fee for the first inspection is included in the permit fee. Additional charges will be assessed for inspections required after normal working hours or for additional inspections. An additional fee shall be charged for each reinspection required.

Section 40. No pipeline shall be backfilled prior to inspection. Any pipeline so backfilled shall be uncovered by the contractor at his own expense.

Section 41. Inspections after normal working hours or on weekends or holidays will only be made on an emergency basis as determined by the Superintendent. Fees for such inspections shall include premium wages for overtime, weekends and holidays as set forth in the Fee Schedule.

Section 42. For all sewer extensions and sewer connections, record plans in a form acceptable to the Superintendent are required.

- a. For residential and small commercial sewer connections, legible sketches containing the required as-built data shall be submitted no later than seven days following final inspection. The requirements for and a sample detail of a sewer connection as-built plan are contained in the Standard Specifications and Details.
- b. For sewer extensions, industrial connections and more complex commercial and residential connections as determined by the Superintendent, standard size engineered drawings prepared and stamped by a professional engineer shall be required. The requirements for and a sample record plan drawing detail are found in the Standard Specifications and Details.

Section 43. Testing in accordance with the Standard Specifications and Details shall be required for industrial and commercial service connections and for sewer extensions. The Superintendent may require

testing for residential service connections greater than one hundred (100) feet in length.

ARTICLE IV USE OF PUBLIC SEWERS

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

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

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

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

- a. Pollutants that create a fire or explosion hazard at the sewage treatment plant, including, but not limited to, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, or any wastestream with a closed cup flashpoint less than 140°F (60°C).
- b. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters or the sewage treatment plant.
- c. Any waters or wastes having a pH lower than 6.0, or higher than 8.3, or having any other corrosive property capable of causing damage or hazard to structures or equipment, or injury to personnel of Somerset Water Pollution Control.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or

other interference with the proper operation of sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, plastics, tar, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper or plastic dishes, cups, milk containers, etc., whether whole or ground by garbage grinders.

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

Section 5. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; pass through the sewage treatment works or interfere with the operation or performance of the works; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. Any user of the wastewater collection system, permitted or otherwise, shall notify the Superintendent of any increased flow and/or

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flow with different characteristics to the wastewater system. Such notification must occur prior to the introduction of such wastes.

In forming an opinion as to the acceptability of these wastes, if not specifically addressed by the Town's most recent Local Limits, and will not create interference or pass through, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of the wastes in the treatment plant and other pertinent factors. The substances include:

- a. Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0 and 65°C).
- b. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.
- c. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- d. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of composite sewage, to meet the requirements of the State, Federal or other public agencies having jurisdiction over such discharge to the receiving waters.
- e. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by Somerset Water Pollution Control in compliance with applicable State and/or Federal regulations.
- f. Materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues), or of dissolved solids (such as, but not limited to, sodium chloride and sodium thiosulfate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

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- 3. Unusual BOD, chemical oxygen demand or chlorination requirements in such quantities as to constitute a significant load on the sewage treatment works.
- 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- g. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 6. In accordance with the 40CFR Regulations, the Board may establish Local Limits for pollutant parameters including, but not limited to, those listed below. These Local Limits will require approval by the United States Environmental Protection Agency. These limits will periodically be reviewed and may, based upon sufficient technical criteria, be revised. Once established, these limits shall not be exceeded under any circumstances.

<u>Parameter</u>	<u>Concentration</u> (mg/l)	<u>Parameter</u>	<u>Concentration</u> (mg/l)
Arsenic	*	Cadmium	*
Total Chromium	*	Copper	*
Lead	*	Mercury	*
Molybdenum	*	Nickel	*
Silver	*	Zinc	*
Total Cyanide	*	Chloroform	*
Methylene Chloride	*	Toluene	*
Trichloroethane	*	1,1,1 Trichloroethane	*
Oil & Grease	*	pH (standard units)	*

* To be established by the Board.

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

Section 8. In accordance with the National Categorical Pretreatment Standards, located at 40 CFR Chapter I, Subpart N, Parts 405-471, all Industrial Users in a particular industrial subcategory are subject to any additional limitations established by the National Categorical Pretreatment Standards for that subcategory which are not imposed under these Rules and Regulations. Upon the promulgation of the National Cate-

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gorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent limitations than imposed under these Rules and Regulations for sources in that subcategory, shall, within the time frame established by U.S. EPA, generally three (3) years following the promulgation of the National Categorical Pretreatment Standards, supersede the limitations imposed under these Rules and Regulations. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

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

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

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

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

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

Section 13. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order,

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the Board shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewage treatment plant or endangerment to any individuals. The Board shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Board within fifteen (15) days of the date of occurrence.

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

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

Section 15. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

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

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

Section 18. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in the Rules

and Regulations shall be determined in accordance with procedures established by the U.S. Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto, or with any other test procedures approved by the Administrator, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out in accordance with techniques approved by the Administrator to reflect the effect of constituents upon the sewage works, to determine the existence of hazards to life, limb and property and to determine compliance with local, State and National Pretreatment Standards.

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

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

- a. Immediately notify the Superintendent, the Pretreatment Coordinator and/or Somerset Water Pollution Control; and
- b. Submit a written notice of the incident to Somerset Water Pollution Control within five (5) days of the incident.

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

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

ARTICLE V WASTEWATER DISCHARGE PERMITS

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

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

- a. Name, address and location of facility;
- b. Standard Industrial Classification number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
- c. Wastewater constituents and characteristics, including but not limited to those mentioned in Article IV, Section 4 and 5 of these Rules and Regulations, as determined by a certified analytical laboratory; sampling and analysis shall be performed as detailed at 40 CFR 403.12 (b) (5) and shall be analyzed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended. If this is to serve as a baseline report, all provisions of 40 CFR 403.12 (b) (4-6) shall be properly and completely addressed;
- d. Time and duration of contribution;
- e. Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

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

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schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent;

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

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

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

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

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The user must resample and submit the analytical results to the Pretreatment Coordinator within thirty (30) days of the detection of the violation;

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

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

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

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

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

Section 9. In accordance with the requirements of 40 CFR 403.12 (1), all baseline monitoring reports, compliance schedule reports and periodic reports must be signed by an appropriate official and include the certification statement included in 40 CFR 403.6 (a) (2) (ii).

**ARTICLE VI
REPORTING REQUIREMENTS FOR
WASTEWATER DISCHARGE PERMITEES**

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

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

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

Section 4. The Superintendent may impose mass limitations on users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations

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

**ARTICLE VII
ANNUAL CHARGES FOR USE OF SEWER SYSTEM**

Section 1. Annual charges for use of the Town's sewer system shall be reviewed annually by the Board and revised as needed to cover all operation, maintenance and replacement costs associated with the operation of the wastewater collection and treatment system. These charges apply to tax-exempt, out-of-town and governmental users and apply to sewage and waste discharges of strength equivalent to normal domestic sewage. Charges for discharging wastes of abnormal strength will be determined for each individual discharge after engineering analysis. These charges are not applicable to residential, commercial and small industrial users located within the Town and that are not tax-exempt. The schedule of fees and user charges is available at the office of the Superintendent.

**ARTICLE VIII
PROTECTION FROM DAMAGE**

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

**ARTICLE IX
POWERS AND AUTHORITY OF INSPECTORS**

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

Section 2. While performing necessary work on private properties referred to in Section 1 of this Article, duly authorized Town employees shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article IV Section 16.

**ARTICLE X
CONFIDENTIAL INFORMATION**

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

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

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

**ARTICLE XI
PENALTIES**

Section 1. Under the provisions of M.G.L. c. 83, §13, the Town of Somerset Acting by and through its Board of Water and Sewer Commissioners will seek injunctive relief for noncompliance with Pretreatment Standards and Requirements. Any person violating any provision of these Rules and Regulations may be punished by the maximum civil penalty permitted under the existing laws of the Commonwealth of Massachusetts. Each day of continued violation shall constitute a separate violation.

Section 2. As an alternative to the civil penalty provided in Section 1, the Town may employ the non-criminal disposition procedure as set forth in the Town's General By-Laws and under the provisions of M.G.L. Chapter 40 Section 21D. The non-criminal disposition penalty shall be established by the Board. Each day on which a violation exists shall be deemed a separate offense.

Section 3. Any person violating any of the provision of these regulations shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

Section 4. The Schedule of Penalties is available at the Office of the Superintendent.

**ARTICLE XII
VALIDITY**

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

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