SEWER USE REGULATION

INDEX

Article #	Title	Page
I	Purpose & Policy	2
II	Definitions	4
III	Building Sewers and Connections	15
IV	Use of the Public Sewers	18
V	Industrial Pretreatment Requirements	29
VI	Protection From Damage	53
VII	Powers & Authority of Inspectors	54
VIII	Charges & Fees	56
IX	Billing Practice	59
X	Enforcement	59
XI	Validity	68
XII	Regulation in Force	69

Adopted at the Selectmen's Meeting of -27 January 2014

ARTICLE I

PURPOSE AND POLICY

This regulation sets forth requirements for direct and indirect contributors into the publicly owned wastewater collection and treatment system for the Town of Montague, Massachusetts and enables the Town to comply with all applicable State and Federal laws including the Clean Water Act (33 United States Code (USC) Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations (CFR) Part 403), and the applicable State and Federal regulations governing sludge disposal. This regulation provides for the control of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted without cause, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. The regulation also establishes requirements for connection to the collection system.

This regulation shall apply to all Users of the Publicly Owned Treatment Works (POTW) which includes the collection system as well as the treatment works as defined in this regulation. This regulation shall apply to the Town of Montague and to persons outside the Town who are, by contract or agreement with the Town, Users of the Town POTW.

The regulation authorizes the issuance of individual wastewater discharge permits and general permit discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The objectives of this regulation are:

(a) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, including interference with its use or disposal of municipal sludge.

(b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;

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

(d) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(e) To provide for equitable distribution of the cost of the operation, maintenance, and improvement of the municipal wastewater system; and

(f) To enable the Town of Montague to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

In accordance with G.L. c. 83, Section 10, the Sewer Commission of the Town of Montague is authorized to promulgate regulations to implement and carry out its duties and the purposes and policies of this regulation.

Except as otherwise provided herein, the Superintendent of the POTW, under the direction of the Sewer Commission, shall administer, implement, and enforce the provisions of this regulation. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Sewer Commission to an alternate duly authorized employee.

ARTICLE II

DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this regulation, shall have the meanings hereinafter designated:

Sec. 1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251, et. seq.

Sec. 2. Approval Authority. The Regional Administrator of EPA.

Sec. 3. Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

Sec. 4. Best Management Practices or BMPs. Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

Sec.5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).

Sec. 6. Board of Selectmen. The Town of Montague Board of Selectmen.

Sec. 7. 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 beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 8. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, owned by the property owner up to and including its intersection with and connection to the common sewer or public sewer; its maintenance, repair and replacement are the sole responsibility of the property owner.

Sec. 9. Categorical Industrial User. In Industrial Use subject to a categorical Pretreatment Standard or categorical Standard.

Sec. 10. Categorical Standards. See Sec. 35 of this Article, National Categorical Pretreatment Standard or Categorical Standard.

Sec. 11. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Sec. 12. Combined Sewer. A sewer receiving both surface runoff and sewage.

Sec. 13. Composite Sample. A sample formed by mixing discrete samples taken at periodic points in time or a continuous proportion of the flow. The number of discrete samples which make up the composite depends upon the variability of pollutant concentration and flow.

Sec. 14. Control Authority. The Sewer Commission.

Sec. 15. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Sec. 16. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Sec. 17. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Sec. 18. Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Massachusetts.

Sec. 19. Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Sec. 20. Existing Source. Any source of discharge that is not a "New Source."

Sec. 21. Force Main. A pipe that conveys wastewater under pressure from the discharge side of a pump to a point of gravity flow.

Sec. 22. Garbage. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 23. Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Sec. 24. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Sec. 25. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

Sec. 26. Industrial User (IU). A source of direct or indirect discharge.

Sec. 27. Industrial Waste. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 28. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Sec. 29. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in a State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Sec. 30. Lift Station. Lifts the wastewater to a higher point from which it may flow by gravity again.

Sec. 31. Local Limit. Specific discharge limits developed and enforced by the Town upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Sec. 32. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Sec. 33. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Sec. 34. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Sec. 35. National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users, and which appear in 40 CFR Chapter I, Subchapter N, parts 405-471.

Sec. 36. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Sec. 37. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article IV, Sec. 4 of this regulation and in 40 CFR 403.5.

Sec. 38. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 30. New Source. (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if Standards are thereafter promulgated in accordance with that section provided that: (i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(ii), or (1)(iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment. (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has: (i) Begun, or caused to begin as a part of a continuous on-site construction program: (A) Any placement, assembly, or installation of facilities or equipment; or (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time, not to exceed 30 (thirty) days. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

Sec. 40. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Sec. 41. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation).

Sec. 42. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal

entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local governmental entities. The singular shall include the plural where indicated by the context.

Sec. 43. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Sec. 44. Pollutant. Any dredged spoil, solid waste, medical wastes, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal and agricultural wastes and certain characteristics of wastewater (e.g. pH, temperature, turbidity, color, BOD, TSS, COD, toxicity, or odor).

Sec. 45. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Sec. 46. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except by diluting the concentration of pollutants unless allowed by an applicable Pretreatment Standard and except as prohibited by 40 CFR Section 403.6(d).

Sec. 47. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Sec. 48. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Sec. 49. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article IV, Sections 3 and 4, of this Regulation.

Sec. 50. Public Sewer. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 51. Publicly Owned Treatment Works (POTW). A "treatment works" as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Town. This definition includes devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. For the purposes of this regulation, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.

Sec. 52. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

Sec. 53. Sanitary Sewer. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Sec 54. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

Sec. 55. Sewage. Human excrement and grey water (household showers, dishwashing operations, etc.).

Sec. 56. Sewage Treatment Plant. Any arrangement of devices and structures used for treating sewage.

Sec. 57. Sewage Works. All facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 58. Sewer. A pipe or conduit for carrying sewage.

Sec. 59. Sewer Commission. The Board of Selectmen of the Town of Montague, or their duly authorized deputy, agent, or representative.

Sec. 60. Shall is mandatory: **May** is permissive.

Sec. 61. Significant Industrial User. Except as provided in paragraphs (3) and (4) of this Section a Significant Industrial User is:

(1) A user subject to categorical pretreatment standards; or

(2) A user that: (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (c) is designated as such by the Sewer Commissioners on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) The Town may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to the Town's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Article V Section 3.14 b [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Town may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Sec. 62. Significant Noncompliance (SNC). An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article IV

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Article IV multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;;

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 63. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the general discharge prohibitions in Article IV, Sections 3, 4, 5, 6 and 7 of this regulation.

Sec. 64. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Sec. 65. State. Commonwealth of Massachusetts.

Sec. 66. Storm Drain (sometimes termed "Storm Sewer"). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 67. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Sec. 68. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Sec. 69. Superintendent. The person designated by the Sewer Commissioners to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this regulation, or a duly authorized representative.

Sec. 70. Town. The Town of Montague, County of Franklin, Commonwealth of Massachusetts.

Sec. 71. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

Sec. 72. User or Industrial User. A source of direct or indirect discharge to the POTW.

Sec. 73. Wastewater. Liquid or water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

Sec. 74. Wastewater Contribution/Discharge Permit. As set forth in Article V of this regulation.

Sec. 75. Watercourse. A channel in which a flow of water occurs either continuously or intermittently.

Sec. 76. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Sec. 77. Abbreviations. The following abbreviations shall have the designated meanings:

BMP – Best Management Practice

BOD - Biochemical Oxygen Demand

BMR – Baseline Monitoring Report

CFR - Code of Federal Regulations.

CIU – Categorical Industrial User

COD - Chemical Oxygen Demand

EPA – U.S. Environmental Protection Agency

gpd - gallons per day

IU – Industrial User

MA G.L – Massachusetts General Law

mg/l - Milligrams per liter

NPDES - National Pollutant Discharge Elimination System

NSCIU – Non-Significant Categorical Industrial User

POTW - Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

SIC - Standard Industrial Classification

SIU – Significant Industrial User

SNC – Significant Noncompliance

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et, seq.

TSS - Total Suspended solids

U.S.C. – United States Code

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

Sec. 1. Permission Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Sewer Commission.

Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify and receive permission from the Sewer Commission at least **FORTY-FIVE (45) DAYS** prior to the proposed change or connection.

Sec. 2. Permit Application and Connection Fee. There shall be two (2) classes of building sewer 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 forms furnished by the Sewer Commissioners. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sewer Commission. A permit fee as determined by and set forth in regulations promulgated by the Sewer Commission shall be paid to the Town at the time the application is filed (for fees, see Appendix A).

Sec. 3. No Expense to Town. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. Separate Building Sewers Required. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5. Existing Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer Commission, to meet all requirements of this regulation.

Sec. 6. Installation Requirements. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. Following are the basic requirements for building sewers:

a. The pipe shall have a minimum nominal diameter of four (4) inches.

b. Pipe materials shall be PVC, cast iron, or similar material subject to the approval of the Superintendent. All materials shall be of sufficient strength for the particular installation.

c. Pipe joints shall be of the factory-made compression type. All pipe joints and connections shall be water-tight and gas-tight.

d. All building sewers shall be laid to straight line and grade with a minimum pitch of one-quarter inch (1/4") per foot.

e. All building sewers should be carefully bedded in sand and backfilled to prevent damage.

Sec. 7. Gravity Flow. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. Buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 8. Surface and Groundwater Connections. No person shall make connection of roof downspouts, exterior foundation or other drains, sump pumps, areaway drains, or other sources of surface runoff, flood or storm water, or groundwater to a building sewer or building drain which in turn is connected directly to a public sanitary sewer.

Sec. 9. Code Requirements. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Sec. 10. Approval. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or its representative.

Sec. 11. Safety Precautions. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

Sec. 12. Connection Not Allowed. No person shall make a sewer connection to a force main, public or private, within the Town of Montague without written approval from the Superintendent.

Sec. 13. Lift Station Connection Not Allowed. No lift station or force main with a flow of two thousand (2,000) gallons per day or greater shall be allowed to connect to a gravity flow line that already requires the lifting or forcing of that wastewater to another gravity flow line without written permission from the Superintendent.

ARTICLE IV

USE OF THE PUBLIC SEWERS

Sec. 1. Unpolluted Water Excluded. No person shall discharge or cause to be discharged any storm water, flood water, surface water, groundwater, roof runoff, sub-surface drainage or building, foundation, cellar or basement drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer or use dilution as a substitute for treatment. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Sewer Commission. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Sewer Commission, to a storm sewer, combined sewer, or natural outlet, subject to the discharger obtaining all other required Federal, State and local permits and approvals as may be required under separate laws or regulations. Approval by the Sewer Commission shall not imply compliance with other applicable requirements not under the jurisdiction of the Sewer Commission.

Sec. 2. Monitoring. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Sewer Commission and/or other duly authorized employees 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 Sewer Commission. Such records shall be made available upon request by the Sewer Commission to other agencies having jurisdiction over discharges to the receiving waters. When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within 30 days of the request, unless additional time is specifically granted in writing by the Superintendent. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

Sec. 3. General Discharge Prohibitions. No User shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will cause interference or pass through at the POTW. These general prohibitions apply to all such Users of the POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

Sec. 4 Prohibited Discharge Standards. A user shall not contribute the following substances into the POTW:

a. Fire and Explosive Hazards: Any liquids, solids or gases which either alone or by interaction with other substances create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flash- point of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test method specified in 40 CFR 261.21, or be injurious in any other way to the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge or at any point in the

system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Town, the State or EPA has notified the User is a fire hazard or a hazard to the system.

b. Toxic Pollutants: Any waters or wastes containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to 40 CFR 401.15.

c. pH: Any waters or wastes having a pH less than 6.0 or greater than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

d. Solid or viscous substances: Solid or viscous substances in amounts which will cause obstruction of the flow in a sewer or at the POTW, but in no case solids greater than one-half inch (1/2") in any dimension.

e. Temperature: Any wastewater having a temperature higher than 160°F (71°C), or containing heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities which cause the temperature at the point of introduction into the treatment plant to exceed 104°F (40°C).

f. POTW Interference: Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

g. Petroleum or Mineral Oils: Petroleum oil, nonbiodegradeable cutting oil, or oil products of mineral origin, in amounts that will cause interference or pass through.

h. Worker Health and Safety: Pollutants which result in the presence of toxic, noxious or malodorous gases, vapors, liquids or fumes within the sewers or POTW in a quantity that may cause acute worker health and safety problems.

i. Trucked or hauled pollutants: Trucked or hauled pollutants except at discharge points designated by the Superintendent.

j. Radioactive Waste(s): Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent and/or as required in compliance with applicable State or Federal regulation.

k. Public Nuisance: Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

l. Color: Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's NPDES permit.

m. Prevention of Discharge: Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec 5. National Categorical Pretreatment Standards.

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

a. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits [Note: See 40 CFR 403.6(c)].

b. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. [Note: See 40 CFR 403.6(c)(2)].

c. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).

d. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [Note: See 40 CFR 403.15].

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Town. Upon request of the Industrial User, the applicable Standard may at the Superintendent's discretion be calculated on a "net" basis (i.e., adjusted to reflect credit for

pollutants in the intake water) if the requirements of paragraph d (2) of this Section are met.

(2) Criteria.

a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Town may waive this requirement if it finds that no environmental degradation will result.

e. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The Town may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 5 e.(1)(a) through 5 e.(1)(e) below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

c. Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in Article V Section 3.1. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Article V Section 5 e 3 (c) so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Superintendent:

a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average

Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Article IV, Section 1. The Industrial User must also be in compliance with the prohibition of bypass.

f. The Superintendent may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Superintendent. When converting such limits to concentration limits, the Superintendent will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Article IV, Section 1 of this regulation (see 40 CFR 403.6(d)). In addition, the Superintendent will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).

g. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. (see 40 CFR 403.6(c)(7)).

h. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. (see 40 CFR 403.6(c)(8)).

i. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(see 40 CFR 403.6(c)(9)).

j. Regulations at 40 CFR 403.13 authorize a CIU to obtain a variance from a categorical Pretreatment Standard if the CIU can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical Pretreatment Standard. Subject to approval of EPA, the Superintendent may incorporate or recognize revised Standards if the User has obtained a variance from EPA on the basis of 40 CFR 403.13.

Sec. 6. Specific Discharge Limitations. 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 Sewer Commission that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Sewer Commission 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 wastes in the sewage treatment plant, and other pertinent factors. Discharges of the following substances are prohibited unless an Industrial User Discharge Permit has been obtained as outlined in Article V of this regulation. Any pretreatment limit which is established pursuant to this regulation may not be waived without EPA notice and approval.

Substances prohibited without prior written approval include, but are not limited to:

a. Any water or waste 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 thirty-two (32^0 F) and one hundred fifty (150^0 F).

b. Any garbage that has not been properly shredded (must be less than one-half inch (1/2") in any dimension). The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Sewer Commission.

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 iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Sewer Commission for such materials.

e. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Sewer Commission as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

f. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium, chloride and sodium sulfate).

(2). Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(3). Unusual volume of flow or concentration of wastes constituting slug loads or slugs as defined herein.

(4). Sludges, screenings, or other residues from the pretreatment of industrial wastes.

(5). Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit or a general permit.

(6). Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW

(7) Any substance which may cause the POTW's effluent sludge, or scums to be unsuitable for reclamation and reuse; or interferes with the reclamation process. No substance shall be discharged to the POTW that causes the POTW to be in non-compliance with sludge use or disposal criteria developed under the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State Criteria applicable to the sludge management method being used.

Sec. 7. Local Limits

a. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The Superintendent may set limits as instantaneous maximum limits or

for other durations (e.g., Daily Maximum or Monthly Average Limits). No person shall discharge wastewater containing in excess of such limits. The discharge limitations shall apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations.

b. In addition to local limitations the Superintendent may establish separate surcharge limitations for recovery of treatment costs. Such limitations shall be clearly distinguished from Local Limits.

c. The Superintendent may develop Best Management Practices (BMPs), by regulation or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Article IV Sections 1 through 6, or any other provision of this regulation.

d. When local limits become part of this pretreatment program, they will be summarized in a table to follow this paragraph. The limits will protect against Pass Through and Interference within the POTW. No person shall discharge wastewater containing in excess of the following Daily Maximum Limits.

Sec. 8. Violation of Prohibited Discharge Standards , Categorical Standards, Specific Discharge Limitations or Local Limits. If any waters or wastes are discharged which contain the substances or possess the characteristics enumerated in this Article the Sewer Commission 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, and/or

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 Section 12 of this Article; or

e. Assess the fines and penalties and take other administrative action as outlined in Article X.

Sec. 9. Pretreatment Design Approval. If the Sewer Commission permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Sewer Commission, and subject to the requirements of all applicable codes, regulations, and laws.

Sec. 10. Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be provided by the User when, in the opinion of the Sewer Commission, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Sewer Commission and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 11. Flow Equalization. Where preliminary treatment 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.

Sec. 12. Special Agreements. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial user. No such agreement or arrangement shall violate any pretreatment standard or requirement; and such agreement or arrangement shall be approved by the EPA in accordance with 40 CFR 403.18.

Sec. 13. Inter-Municipal Agreements. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Sewer Commission shall enter into an intermunicipal agreement with the contributing municipality. Prior to entering into an agreement the Sewer Commission shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Commission may deem necessary.

An intermunicipal agreement shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance or regulation which is at least as stringent as this regulation and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in this regulation. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Town of Montague's sewer use regulation or Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Town of Montague or the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and Montague;

(4) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Superintendent access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Sec. 14. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this regulation.

Sec. 15. Right of Revision. The Town reserves the right to establish regulations or permit more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Article I of this Regulation.

ARTICLE V

INDUSTRIAL PRETREATMENT REQUIREMENTS

Sec. 1. Wastewater Discharge Permit Requirements:

a. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Sewer Commission in accordance with the provisions of this regulation.

b. The Sewer Commission may require other users to obtain individual or general wastewater discharge permits as necessary to carry out the purposes of this regulation.

c. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this regulation and subjects the wastewater discharge permittee to the sanctions set out in Article V, Sec. 2 and Article X of this regulation. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all National, State and local pretreatment standards or requirements or with any other requirements of Federal, State and local law.

Sec. 2. Wastewater Contribution Permits:

2.1.Existing Connections: Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this regulation and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the Sewer Commissioners for a wastewater discharge permit in accordance with Article V Section 2.3 of this regulation, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this regulation except in accordance with a wastewater discharge permit issued by the Sewer Commissioners.

2.2. New Connections: Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Article V Sec. 1.2.3, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence. Filing an application, without having obtained the permit, however, conveys no rights to the applicant.

2.3. Permit Application. Users required to obtain a an individual or generic wastewater discharge Permit shall complete and file with the Sewer Commissioners an application in the form prescribed by the Sewer Commissioners. Existing Users shall apply for a Wastewater Discharge Permit within 90 days after the effective date of this regulation, and

proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

a) Identifying information**.** The User shall submit the name and address of the facility including the name and address of the operator and owners and contact information, including telephone and e-mail information for operator and owner;

b) Permits**.** The User shall submit a list of any environmental control permits held by or for the facility and SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

c) Description of Operations**.** A brief description of: the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by the user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated process. Site plans, floor plans, mechanical and plumbing plans and any details to show all sewers, sewer connections, and appurtenances by the size, location and elevation. Descriptions shall also indicate the location for all monitoring of all wastes covered by the permit. Each product produced by: type, amount, process or processes and the rate of production; type and amount of raw materials processed (average and maximum per day); number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment systems. All materials, which are or could be discharged;

d) Categorical Industrial Classification. Where the User is subject to Federal Categorical Standards, The User shall identify the specific Operations subject to such standard and any additional information required to establish applicable discharge limitations for such operations;

e) Wastewater constituents and characteristics**:** including but not limited to those mentioned in Article IV of this regulation as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFR, Part 136, as amended. Description of characteristics shall include information on the time and duration of discharges;

f) Flow measurements. Information showing the measured average daily flow, maximum daily flow, and 30 minute peak flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e);

g) Measurement of Pollutants**.**

(i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA;

h) The nature and concentration of any pollutants. 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 regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;

i) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 40 CFR 403.12(e)(2).

j) Any request to be covered under a general permit;

k) Additional pretreatment: If additional pretreatment and/or O & M is required a detailed schedule of the project shall be proposed to the Sewer Commissioners. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. Progress reports are required within 14 (fourteen) days of the compliance schedule milestone and within 14 (fourteen) days of the final date for compliance. Delays of more than 14 (fourteen) days in any stage of the proposed project schedule must be reported to the Sewer Commission;

l) Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements; and

m) Other. Any other information as may be deemed by the Sewer Commissioners to be necessary to evaluate the permit application.

After evaluation and acceptance of the data furnished, the Sewer Commissioners may issue a Wastewater Contribution Permit subject to terms and conditions provided herein, require additional information, or deny the request for reasonable cause. Incomplete or inaccurate applications may be returned to the User for revision.

2.5. Permit Conditions. Wastewater Contribution Permits shall be expressly subject to all provisions of this regulation and all other applicable regulations, user charges and fees established by the Town. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Sewer Commissioners to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Permits may contain the following:

a) A statement that indicates wastewater permit durations;

b) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval by the Sewer Commissioners in accordance with Article V, Sec. 1.2.9 of this regulation, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;

d) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants (or management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;

e) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge;

f) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule;

g) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary;

Permits may contain, but need not be limited to, the following conditions:

h) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a municipal sewer;

i) Limits on the average and maximum wastewater constituents and characteristics;

j) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

k) Requirements for the installation of pretreatment technology, pollution control, or

construction of appropriate containment devises, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

l) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

m) Requirements for installation and maintenance of inspection and sampling facilities, including flow measurement devices;

n) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

o) Compliance schedules;

p) Requirements for submission of technical reports or discharge reports (see Section 3 of this Article);

q) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Sewer Commissioners and affording Town access thereto, in all instances, however, such records shall be retained for at least 3 (three) years;

r) Requirements for notification of the Town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system. The Sewer Commissioners have the authority to deny or condition new or increased discharges prior to the commencement of the discharge;

s) Requirement for notification of slug discharges as per Article V Sec. 3.6a;

t) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

u) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal, State and local pretreatment standards, including those which become effective during the term of the permit; and

v) Other conditions as deemed appropriate by the Sewer Commissioners to ensure compliance with this regulation.

2.6 General Discharge Permits

a) At the discretion of the Superintendent, the Superintendent may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
(1) Involve the same or substantially similar types of operations;
(2) Discharge the same types of wastes;
(3) Require the same effluent limitations;
(4) Require the same or similar monitoring; and
(5) In the opinion of the Superintendent, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Superintendent has provided written notice to the SIU that such a waiver request has been granted.

c) The Superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 2.6 a) (1) to (5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.

d) The Superintendent may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula or Net/Gross calculations See 40 CFR 403.6(e) and 40 CFR 403.15.

2.7 Application Signatories and Certifications

a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the following Federally mandated certification statement:

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

responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.

2.8. Permits Duration. Permits shall be issued for a specified time period, not to exceed five (5) years and shall expire on a specific date listed therein. 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 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 Sewer Commissioners during the term of the permit as limitations or requirements as identified in Article IV are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 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.

2.9. Permit Transfer. Wastewater Contribution Permits are issued to a specific User for a specific operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Sewer Commissioners. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advanced notice to the Sewer Commissioners and the Sewer Commissioners approve the wastewater discharge permit transfer. The notice to the Sewer Commissioners must include a written certification by the new owner and/or operator: (1) States that the new owner/operator has no immediate intent to change the facilities operations and process; (2) Identifies the specific date on which the transfer is to occur; and (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

2.10. Permit Modifications. The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters; or beneficial sludge use;

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the individual wastewater discharge permit; and/or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

The Superintendent may modify a general permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(3) To correct typographical or other errors in the individual wastewater discharge permit; and/or

(4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with this regulation.

Sec. 3. Reporting Requirements for Permittee

3.1 Baseline Monitoring Reports

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

b. Users described above shall submit the information set forth below.

(1) All information required in Article V, Section 2.3 See 40 CFR 403.12(b)(1)-(7)
(2) Measurement of pollutants.

a. The User shall provide the information required in Article V, Section 2.3 g (i) through (ii);
b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
d. Sampling and analysis shall be performed in accordance with Section Article V Sections 3.10 and 3.11;
e. The Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and

analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Article II and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 3.2 below.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 3.14 a of this regulation and signed by an Authorized Representative.

3.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Article V, Section 3.1(4) of this regulation:

a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

b. No increment referred to above shall exceed nine (9) months;

c. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

d. In no event shall more than nine (9) months elapse between such progress

reports to the Superintendent.

3.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 2.3 f and g and Section 3.1 b 2 of this Article. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Article IV Section 5 e [Note: See 40 CFR 403.6(c)], this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 2.7 of this Article. All sampling will be done in conformance with Section 3.10 and 3.11 of this Article.

3.4 Periodic Compliance Reports

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User

a. Except as specified in Section 3.4.b, all Significant Industrial Users must, at a frequency determined by the Superintendent submit no less than twice per year (June and December or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.

The Town may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed and include the certification statement in 40 CFR 403.6(a)(2)(ii).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement in Section 3.14 below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 3.4 a or other more frequent monitoring requirements imposed by the Superintendent, and notify the Superintendent.

(9) This provision does not supersede certification processes and

requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

b. The Town may reduce the requirement for periodic compliance reports [see (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA or the State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

(1) 0.01 percent of the POTW's design dry-weather *hydraulic capacity* of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches

(2) 0.01 percent of the design dry-weather *organic treatment capacity* of the POTW; and

(3) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed and approved by EPA.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Article II of this regulation. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Superintendent decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

c. All periodic compliance reports must be signed and certified in accordance with Section 3.14 a of this Article.

d. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

e. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in Section 3.10 and 3.11 of this Article, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6)]

3.5 Reports of Changed Conditions

Each User must notify the Superintendent of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

a. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 2.3 of this regulation.

b. The Superintendent may issue an individual wastewater discharge permit or a general permit under this regulation or modify an existing wastewater discharge permit or a general permit under this regulation in response to changed conditions or anticipated changed conditions.

3.6 Reports of Potential Problems

a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

b. Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this regulation.

c. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

d. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug

Discharge.

e. Hazardous Waste Notification. All Industrial Users shall notify in writing, the Superintendent, the Department of Environmental protection, and the EPA of any discharge which would be considered a hazardous waste if disposed of in any manner other than by discharge to the POTW.

3.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

3.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the Town performs sampling at the User's facility at least once a month, or if the Town performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Town receives the results of this sampling, or if the Town has performed the sampling and analysis in lieu of the Industrial User. If the Town performed the sampling and analysis in lieu of the Industrial User, the Town will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. [See 40 CFR 403.12(g) (2)].

3.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

3.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

a. Except as indicated in b and c below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

c. For sampling required in support of baseline monitoring and 90-day compliance reports required by Section 3.1 (40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 3.4 of this Article (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

3.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

3.13 Recordkeeping

Users subject to the reporting requirements of this regulation shall retain, and make

available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this regulation, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under this Article. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Town, or where the User has been specifically notified of a longer retention period by the Superintendent.

3.14 Certification Statements

a. The following certification statement must be signed by an Authorized Representative as defined in Article II for all Permit Applications, User Reports, Initial Monitoring Waiver requests, Baseline Monitoring Reports, Reports on compliance with the categorical Pretreatment Standard deadlines, periodic compliance reports, and requests to forego sampling of a pollutant.

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

b. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements above [Note: See 40 CFR 403.120(l)]. This certification must accompany an alternative report required by the Superintendent:

> Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User; [Note: See 40 CFR 403.3(v)(2)]

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

c. Certification of Pollutants Not Present

Users that have an approved monitoring waiver must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. [Note: See 40 CFR 403.12(e)(2)(v)].

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report.

Sec. 4. Monitoring Facilities.

The Sewer Commission shall require monitoring facilities to be provided and operated at the User's own expense, to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Town may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measurement equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Sewer Commissioners.

Sec. 5 Inspection and Sampling.

The Town, POTW personnel, Sewer Commission and Superintendent or their representative, shall have the right to inspect, sample, examine records, copy records, and perform any additional duties at the facilities of any User to ascertain whether the purpose of this regulation is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town, Sewer Commission and Superintendent or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Town, Sewer Commission and Superintendent or their representative, POTW personnel, Approval Authority 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. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town, Sewer Commission and Superintendent or their representative, POTW personnel, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Sec. 6 Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this regulation and shall achieve compliance with all National Categorical Pretreatment Standards and compliance with all prohibitions and local limits as established under Article IV of this regulation within the time limitations as specified by the National Pretreatment Regulations or within the time limitations established by this regulation or permits issued there under, which ever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Sewer Commissioners shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Sewer Commissioners for review, and shall be acceptable to the Sewer Commissioners before construction of such facilities. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce a discharge acceptable to the Town under the provisions of this regulation. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the user's initiation of such changes.

Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this regulation.

The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 7. Accidental Discharges/Slug Control Plans. Each industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this regulation. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The Superintendent shall evaluate whether each SIU needs an Accidental discharge/ Slug discharge control plan. The Superintendent may require any User to develop, submit for approval, and implement such plan or take such other action as may be necessary to control slug discharges. Where deemed necessary by the Superintendent, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Sewer Commissioners for review, and shall be approved by the Sewer Commissioners before construction of the facility. An accidental discharge/slug control plan shall address, at a minimum, the following:

a) Description of discharge practices, including nonroutine batch discharges;

b) Description of stored chemicals;

c) Procedures for immediately notifying the Superintendent of any accidental or slug discharge;

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

No industrial User who commences contribution to the POTW after the effective date of this regulation shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Sewer Commissioners. Review and approval of such plans and operating procedures shall not relieve the industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this regulation. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Superintendent of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five (5) days following an accidental discharge, the industrial User shall submit to the Sewer Commission a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed under Article X or other applicable law.

A notice shall be permanently posted on each industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec 1.8 Hauled Wastewater.

a. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate any other requirements of this regulation. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.

b. The Superintendent may require haulers and generators of industrial waste to obtain individual wastewater discharge permits or general permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this regulation.

c. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

d. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Sec. 1.9. Confidential Information

Information and data on a User's industrial process obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be a public record and shall be available for inspection as provided in the Public Records Law, G. L. c. 66, Sec. 10. A User may withhold information considered confidential, but it must establish to the satisfaction of the Sewer Commission that the disclosure of the information in questions to the public would divulge trade secrets of the User or would result in an advantage to competitors and that the User is entitled to such protection under State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by a User furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately to governmental agencies for uses related to this regulation, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined at 40CFR3.302 shall not be recognized as confidential information and shall be available to the public without restriction.

If the User asserts the privilege of confidentiality, it shall obtain a written determination of applicability from the Supervisor of Public Records. Information deemed by the Supervisor of Public Records to be available for public inspection shall be presumed not to be confidential, and the User shall bear the burden of contesting any such determination. User shall hold the Sewer Commission harmless from the consequences of such determination and information release, including resulting costs associated therewith.

Sec. 10 Bypass.

a. For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become

inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Allowable By-pass. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (d) of this Section.

c. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

d. Prohibited Bypass

(1) Any bypass which causes Pretreatment Standards or Requirements to be violated, or is not essential maintenance to assure efficient operation is prohibited, and the Superintendent may take an enforcement action against a User for a bypass, unless the Superintendent determines that:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The User submitted notices as required under paragraph (C) of this section.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

ARTICLE VI

PROTECTION FROM DAMAGE

Sec. 1. Violation. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other applicable offense and/or subject to the penalties and enforcement actions in this regulation.

ARTICLE VII

POWERS AND AUTHORITY OF INSPECTORS

Sec. 1. Entry to Private Property. The Sewer Commission and other duly authorized employees of the Town bearing proper credentials and identification may be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The Sewer Commission or its representative shall have authority to inquire into any processes having a bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.

The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this regulation and any individual wastewater discharge permit, or general permit, or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

a. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.

b. The Superintendent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

c. The Superintendent may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.

e. Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of this regulation.

Sec. 2. Search Warrants.

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

Sec. 3. Entry to Easements. The Sewer Commission and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 4. Liability of the Town. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Sewer Commission or duly authorized employees or agents of the Town shall observe all safety rules applicable to the premises established by the company or user.

ARTICLE VIII

CHARGES AND FEES

Sec. 1. Connection Fee. The owner or applicant shall assume a portion of the cost and expense for the installation of that portion of the building sewer from the public sewer to the property line, described in Article III, Section 9, by payment of a connection fee as determined in regulations promulgated by the Sewer Commission.

Sec. 2. Frontage Charge. The Sewer Commission will charge an assessment, pursuant to G.L. c.83, Sec. 15, upon owners of land fronting on any way in which a new sewer is constructed by the Town. The assessment shall be based upon the actual cost of the new sewers built by the Town. The frontage charge shall be based on linear feet of frontage of each estate on any street or way where a sewer is constructed. Those persons not eligible for assessments as defined in this Section may use the common sewers for the disposal of their sewage from such land only on payment of such reasonable amount as the Sewer Commission may determine pursuant to G.L.c.83, Sect.20.

Sec. 3. Annual Sewer Use Charges. In addition to the one-time charges listed in Sections 1 and 2 of this Article, an annual fee shall be charged to every user of the municipal sewage works. The fee charged shall be established by the Sewer Commission and shall be such as to produce revenues commensurate with the estimated annual cost of operating and maintaining all wastewater collection and treatment works in Montague and, in addition, the estimated annual charge by the Town of Erving to the Town of Montague for treatment of Montague wastes in Millers Falls Village. Each user fee charged shall be calculated so as to reflect that user's fair share of the operating costs based on volume and strength of wastewater flows as determined by the Sewer Commission.

Sec. 4. Surcharges. All persons discharging commercial or industrial wastes or any wastes of unusual character or amount may be subjected to a surcharge as determined by the Sewer Commission, in addition to any other sewer charges. The amount of surcharge shall reflect the Sewer Commissioner's best estimate of the additional cost incurred by the Town in repair, maintenance and operation of the sewage works for transport and treatment of such wastes.

Sec. 5. Fees for Implementation of Pretreatment Program. To provide for the recovery of costs from Industrial Users for the implementation of the Town's Pretreatment Program as established in this regulation, the Sewer Commission may adopt certain charges and fees which may include:

a. fees for reimbursement of costs of setting up and operating the Town's Pretreatment Program;

b. fees for monitoring, inspections and surveillance procedures;

c. fees for reviewing accidental discharge procedures and construction;

d. fees for permit applications;

e. fees for filing appeals;

f. fees for consistent removal (by the Town) of pollutants otherwise subject to National Pretreatment Standards;

g. other fees as the Town may deem necessary to carry out the requirements contained herein.

ARTICLE IX

BILLING PRACTICE

Sec. 1. Billing Periods. All annual charges and surcharges are to be billed on a monthly basis.

Sec. 2. Payment. All charges shall be payable at the office of the Town Treasurer. Payment of a connection charge is to be made prior to the connection of the building sewer to the public sewer. Frontage and annual charges and surcharges are to be paid within thirty (30) days of the bill. The Sewer Commission, pursuant to G.L. c. 83 Sec. 19, may extend the time for payment of frontage charges upon land which is not built upon until it is built upon or for a fixed time; but interest at the rate of four percent (4%) per annum shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid within three (3) months after a permit for building on such land is issued.

Sec. 3. Frontage Charge Installment. Pursuant to G.L.c.80 Sec.13 any frontage charge to any one property exceeding one hundred dollars ($100) may be paid in equal annual installments over a twenty (20) year period. The Town shall charge interest on the unpaid balance at the rate of four percent (4%) per annum. Annual installments and interest are due and payable at the same date as the annual general property tax payment.

Sec. 4. Abatements. In accordance with G.L.c.83, Sec.16 E, an owner of real estate aggrieved by a charge imposed by the Town may apply for an abatement thereof by filing a petition with the Sewer Commission on or before the thirtieth (30) day after the date on which the bill or notice was so sent.

ARTICLE X

ENFORCEMENT

Sec. 1. Delinquency. Such charges levied in accordance with this regulation shall be a debt due to the Town and shall be a lien upon the property. Without limiting the Town's enforcement rights, if this debt is not paid within thirty (30) days after it shall be due and payable, it shall be deemed delinquent and accrue interest at the rate of fourteen (14) percent per year or as allowed by law and may be recovered by civil action in the name of the Town against the property owner, the person, or both.

Sec. 2. Ownership and Occupancy. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

Sec. 3. Liability. Any person found to have violated this regulation or the orders, rules, regulations and permits issued hereunder shall become liable to the Town for any expense, loss or damage to the Town occasioned by reason of such offense, including legal costs and attorneys' fees, in addition to the penalties provided herein.

Sec. 4. Civil Penalty. A user who has violated, or continues to violate, any provision of this regulation, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of $5,000.00 (five thousand per violation per day). In case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

Sec. 5. Falsifying Information. Any person who knowingly makes any false statements, representation or certification in any application, record, report plan or other document filed or required to be maintained pursuant to this regulation, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this regulation, shall be liable to the Town, for a civil penalty of not more than One Thousand dollars ($1,000) per day per violation.

Sec. 6. Non-Criminal Disposition. In addition to the enforcement authority set forth herein, this regulation and regulations and orders issued hereunder may be enforced using non-criminal disposition in accordance with the Town's Non-Criminal Disposition by-law and G.L. C.40, Sec.21D. The enforcing persons shall be the Sewer Commission, Sewer Commission, Superintendent, any Police Officer of the Town, and their designees. Each day on which any violation exists shall be deemed to be separate offense, and each provision of the by-law, regulation or order that is violated shall constitute a separate offense. The following non-criminal penalties shall apply:

First offense:	Warning or notice.

Second offense: $200.00 (two hundred dollars).

Third or subsequent offense: $300.00 (three hundred dollars).

Sec. 7. Industrial Pretreatment Enforcement.

7.1. Notice of Violation. When the Superintendent finds that a User has violated, or continues to violate, any provision of this regulation, an individual wastewater discharge permit, or a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may serve upon that User a written Notice of Violation. Within five (5) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

7.2 Public Notification for Significant Non Compliance

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the Town, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

(a) Chronic violations of wastewater limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article IV

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Article IV multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) H. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records submitted pursuant to these regulations shall be considered public records pursuant to G.L. c. 66, Sec. 10 and shall be available for inspection, except to the extent any record may fall within the scope of an exemption provided by law.

7.3. Consent Orders. The Sewer Commission may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 7.5 and 7.6 of this Article and shall be judicially enforceable.

7.4. Show Cause Hearing

7.4.1 Notice. The Sewer Commission may order a User which has violated or continues to violate, any provision of this regulation, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement to appear before the Commission and show cause before the Sewer Commission why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Sewer Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Sewer Commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served

personally or by registered or certified mail (return receipt requested) at least (ten) days before the hearing. Service may be made on any Authorized Representative of the User or officer of a corporation. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

7.4.2 Conduct of Hearing. The Sewer Commission may itself conduct the hearing and take the evidence, or may designate any of its members or the Superintendent of the POTW or his duly authorized Representative to:

a) Issue in the name of the Sewer Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

b) Take the evidence;

c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Sewer Commission for action thereon.

7.4.3. Hearing Records. At any hearing held pursuant to the regulation, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

7.5 Compliance Orders When the Superintendent finds that a User has violated, or continues to violate, any provision of this regulation, an individual wastewater discharge permit, or a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

7.6 Cease and Desist Orders

When the Superintendent finds that a User has violated, or continues to violate, any provision of this regulation, an individual wastewater discharge permit, or a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Superintendent may issue an

order to the User directing it to cease and desist all such violations and directing the User to:

a. Immediately comply with all requirements; and

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

Sec. 7.7. Emergency Suspension. Without limiting the Town's enforcement rights, the Town may immediately suspend the user's discharge and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons. The Sewer Commissioners may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or may present an endangerment to the environment.

Any User notified of a suspension of its discharge and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of a User to comply voluntarily with the suspension order, the Sewer Commissioners may take such steps as deemed necessary including but not limited to, immediate severance of the sewer connection, to prevent or minimize damage to the POTW system, its receiving stream, or endangerment to any individuals. The Sewer Commissioners shall allow the User to recommence its discharge upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Sewer Commissioners within 15 days of the date of occurrence.

Sec. 7.8 Termination of Discharge

In addition to the provisions in Section 7.1 through 7.7 of this Article, any User who violates the following conditions may be subject to discharge termination:

a. Violation of individual wastewater discharge permit or general permit conditions;

b. Failure to accurately report the wastewater constituents and characteristics of its discharge;

c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

d. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the Pretreatment Standards in Article IV of this regulation.

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

7.10. Revocation of Permit. Without limiting the Town's enforcement rights, any User who violates the following conditions of the regulation, or applicable State and Federal regulations, is subject to having his permit revoked. The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

a) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

b) Failure to provide prior notification to the Superintendent of changed conditions;

c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

d) Falsifying self-monitoring reports and certification statements;

e) Tampering with monitoring equipment;

f) Refusing to allow the Superintendent timely access to the facility premises and records;

g) Failure to meet effluent limitations;

h) Failure to pay fines;

i) Failure to pay sewer charges;

j) Failure to meet compliance schedules;

k) Failure to complete a wastewater survey or the wastewater discharge permit application;

l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

m) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or this regulation.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a User are void upon the issuance of a new individual wastewater discharge permit or a general permit to that User.

7.11 Legal Action.

7.11.1 Injunctive Relief

When the Superintendent finds that a User has violated, or continues to violate, any provision of this regulation, an individual wastewater discharge permit, or a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this regulation on activities of the User. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

7.11.2 Civil Penalties

a. A User who has violated, or continues to violate, any provision of this regulation, an individual wastewater discharge permit, or a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Town for a maximum civil penalty of five thousand dollars ($5,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

b. The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

c. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for,

taking any other action against a User.

7.11.3 Remedies Nonexclusive.

The remedies provided for in this regulation are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

7.12 Affirmative Defenses to Discharge Violations

7.12.1 Upset

a. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

c. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The User has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not

corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

d. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

e. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

7.12.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Article IV Sections 3 and 4 of this regulation or the specific prohibitions in Article IV Sections 4 through 7 of this regulation if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

a. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

b. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

ARTICLE XI

VALIDITY

Sec. 1. Repeal of Conflicting Regulations. All regulations or parts of regulations or regulations or parts of regulations of the Town in conflict with this regulation are hereby repealed to the extent of such inconsistency or conflict.

Sec. 2. Invalidation Clause. Invalidity of any section, clause, sentence or provision in the regulation shall not affect the validity of any other section, clause, sentence or provision of this regulation which can be given effect without such invalid part or parts.

Sec. 3. Severability. If any provision, paragraph, work, section or article of this regulation is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

Sec. 4. Amendment. The Town of Montague reserves the right to amend this regulation in part or in whole wherever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and after proper hearing on the proposed amendment.

ARTICLE XII

REGULATION IN FORCE

Sec. 1. Date of Effect. This regulation shall take effect and be enforced from and after adoption by the Sewer Commission and publication as provided for in the G.L.c.83 Sec. 10.