

Chapter 375

SEWERS

[HISTORY: Adopted by the Municipal Council of the City of Taunton as Rev. Ords. 1964, §§ 17-1 to 17-12 (Ch. 19 of the 2010 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Stormwater management — See Ch. 381.

Waste management — See Ch. 420.

Street excavations — See Ch. 383, Art. II.

Water — See Ch. 426.

ARTICLE I
General Regulations
[Amended in its entirety 3-22-2011]

§ 375-1. Authority to install and maintain sewers; notice.

The Committee on the Department of Public Works shall permit or make and maintain all such main drains and common sewers as it adjudges to be necessary for the public convenience or the public health, through the public streets or through the lands of any person, and may repair the same whenever it is necessary. All such drains and sewers shall be the property of the City, but no common sewer shall be laid until each person whose property abuts on such sewer, or on the street in which the same is to be laid, has had an opportunity to be heard in relation thereto, and the Department of Public Works Commissioner shall notify and hear all owners of land abutting upon such sewer or streets. Written notices, giving the time and place for meeting and hearing all parties interested, shall be delivered upon such owners at least seven days before the hearing by leaving the same at the last and usual place of abode of the several owners, unless delivered to such owners in hand or to their tenants or authorized agents, and if any such owners have no such abode in the City, and no tenant or authorized agent therein known to the Committee, or if, being a resident of the City, he/she is not known as such to the Committee, such notice shall be posted up in some public place in the City seven days at least before such hearing, or, if such main drain or common sewer is in a public street or highway, such notice of the time and place of such hearing may be given by publishing such notice two times in some newspaper published in the City, the last publication to be at least seven days before the date of such hearing.

§ 375-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMMON SEWER — Any sewer line or service that services more than one owner.

§ 375-3. Supervisor of Sewers.

- A. There shall be a Supervisor of Sewers who shall be under the direct control of the Commissioner of Public Works and shall report to him/her. The Supervisor shall have administrative control and be the operational head of the Sewer Division.
- B. The Supervisor shall be appointed and removed pursuant to Section 19.1(d) of the City Charter.

§ 375-4. Procedure at hearings for laying common sewers; measurement of damage.¹

At the time and place appointed and notified as aforesaid, the Committee on the Department of Public Works shall meet and hear all parties interested and if requested shall view the premises. If the Committee on the Department of Public Works shall adjudge that the public convenience or the public health requires that such sewer be constructed, it shall proceed to lay out the same and, if land is taken for the same, shall

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

determine the boundaries and measurements thereof and the damages, if any, sustained by any person in his/her property.

**§ 375-5. Procedure for assessment of betterments for laying of common sewers.
[Amended 11-20-2012]**

- A. All betterments for the laying of common sewers shall be assessed against owners of property pursuant to the General Laws of the Commonwealth of Massachusetts.
- B. All such betterments shall be assessed at 100% of the costs permitted to be included in a betterment assessment pursuant to the General Laws of the Commonwealth of Massachusetts, unless such formula shall violate the provisions of any state or federal law or regulation or the terms of any state or federal grant or the terms of any loan agreement reached between the City of Taunton and the Water Pollution Abatement Trust of the Commonwealth of Massachusetts pursuant to MGL c. 29C.

§ 375-6. Private drains or sewers.

No person shall construct, alter or repair any private drain or sewer or sewer connection in any public street or way, unless authorized so to do by the Supervisor of the Sewer Division.

§ 375-7. Commissioner of Public Works to be notified of street openings.

Before entering upon and digging up any street or way for the purpose of constructing, altering or repairing any drain or sewer or making any sewer connection therein, in accordance with the provisions and requirements of Chapter 383, Streets and Sidewalks, Article II, Excavations and Obstructions, the person so entering upon such street or way shall give notice in writing to the Commissioner of Public Works.

§ 375-8. Connection to common sewer or main drain.²

No person shall enter his/her drain directly or indirectly into a common sewer. Also, no person shall enter his particular drain directly or indirectly into any main drain. This prohibition shall not be waived unless the Committee on the Department of Public Works finds that such connection is necessary to public convenience and/or public health. The application for such entry shall be in writing and in such form as the Committee on the Department of Public Works may prescribe. No person shall make any new connection of fixtures, pipes or other conductors with any drain emptying into a main drain or common sewer in any other manner than that provided in the permit.

§ 375-9. Connection to public sewer system; charges; mandatory backwater valves.

- A. All connections of sewer facilities to the public sewer system shall be built, repaired, installed and maintained by the owner of the land that the facilities shall service. In the event of a plugged up or backed up sewer line, any work required between the public sewer line and the building shall be the responsibility of the owner of the building or property. The property owner shall contact a licensed

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

installer (as hereinafter set forth) for such repairs, installations, maintenance and cleanup.

- B. The Supervisor of the Sewer Division shall assess the following charges to owners of property for initial sewer service connection to such property:
- (1) Existing dwelling house, per unit: \$500.
 - (2) Existing condominium property, per unit: \$500.
 - (3) Existing industrial/commercial/institutional property: \$1,000.
 - (4) New construction tie-in fee: \$2,500.
- C. Dedication of receipts. All fees generated and collected under this section shall be dedicated to sewer improvements and shall be deposited in a capital improvement fund dedicated for that purpose.
- D. Mandatory backwater valves to be installed on any new building sewer or sewer lateral installation, alteration, or repair to existing building sewers or sewer lateral. **[Added 5-31-2011]**
- (1) Materials; construction; diameter.
 - (a) All bearing parts of backwater valves shall be of corrosion-resistant material and shall be constructed in such a manner so as to provide a mechanical seal against backflow. Backwater valves, when fully opened, shall have an effective opening not less than that of the pipes in which they are installed.
 - (b) As a requirement of every backflow valve, a cleanout with a minimum of a four-inch diameter shall be installed on the discharge side of the backwater valve. The unit itself may not be used as a cleanout.³
 - (2) Location. Backwater valves shall be installed in a location that provides easy access for service and repairs. Backwater valves located outside the foundation wall will require a sign reading "Backwater Valve Installed" and be located above the main cleanout for the building.
 - (3) Correction upon sale or transfer. Except as hereinafter provided, no person shall sell, transfer, or convey any improved real property that is connected to the City of Taunton sewer system without first installing a backwater valve and otherwise fully conforming to this section.⁴
 - (4) Approval. The Plumbing Inspector shall approve all backwater valves prior to installation.

§ 375-10. Installation of private sewers; grade; approval of materials.

All private sewers connecting with common sewers shall be installed in conformance with the sewer rules and regulations on file in the Sewer Division. They shall be laid to

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

a uniform grade, to be approved by the City Engineer, and the materials used shall be approved by the Supervisor of the Sewer Division.

§ 375-11. Connection of steam exhausts.

No exhaust from steam engines or blowoff from boilers shall be allowed to enter or be connected with any main drain or common sewer without permission in writing from the Committee on the Department of Public Works.

§ 375-12. Interference with main drains and common sewers by other utility lines.

Whenever any street shall be opened for laying or repairing of water and/or gas pipes, or for other purposes, the work shall be executed so as not to obstruct the course, capacity or construction of an existing or proposed main drain or common sewer, and whenever such pipes, or any other work of construction, shall be found to exist in such location as to interfere with a main drain or common sewer, the person having charge of the same shall, on notice, at once remove, change or alter such pipes or work of construction in a manner satisfactory to the Committee on the Department of Public Works, and if such person refuses or neglects so to do the Committee on the Department of Public Works may make or cause to be made such removal, change or alteration at the expense of such person.

§ 375-13. Catch basins.

The building, cleaning, repairing and maintenance of catch basins shall be under the supervision of the Committee on the Department of Public Works and shall be chargeable to the appropriation for that purpose. The building and maintenance of the pipe from catch basins to a public drain or common sewer, and trapping the same, shall be under the supervision of the Committee on the Department of Public Works and shall be chargeable to the appropriation for sewer maintenance. The location of all new catch basins shall be under the direction of the City Engineer. No person shall place or deposit in any catch basin any liquid, animal, vegetable or solid matter.

§ 375-14. Assessments and charges.

The Committee on the Department of Public Works may make and establish such rates of assessment and annual charges or rents for the construction, entering, maintenance and operation of the system of sewerage as it shall deem just and proper, in conformity with the general and special laws of the commonwealth. It shall, at the time of delivering to the City Treasurer/Collector for collection any list of sewer assessments or rental charges, give to the City Auditor a written statement of the total amount thereof, and it shall forthwith give to the City Treasurer/Collector and the City Auditor a written statement in detail of all abatements or cancellations made by it. All assessments for construction of the sewers shall be held to the credit of the sewer loan sinking funds.

§ 375-15. Senior hardship deferrals of sewer betterment assessments. [Added 11-12-2013]

Chapter 80, § 13B, of the General Laws is accepted by the City of Taunton. Any person seeking a deferral thereunder must obtain an application from the Clerk of Committees. The application shall consist of an application form and a betterment assessment deferral

and recovery agreement and may include additional information and instructions. The agreement shall contain the provisions set forth in MGL c. 80, § 13B. The completed application must be filed with the Clerk of Committees within six months after notice of such assessment has been sent out by the Treasurer/Collector. The applicant must fully and accurately complete the application, to include obtaining the written approval of any mortgagee or other person with an interest in the property as provided by the statute. For each timely filed application, the Committee on the Department of Public Works will determine whether or not an applicant qualifies for deferral. The Committee may call upon the Assessors to assist it in making the determination, and the Assessors shall provide such assistance when called upon to do so. If the applicant qualifies, then the deferral shall be granted by the Committee, and the members voting in favor thereof shall sign the agreement. The applicant shall be notified of the Committee's decision, whether or not the deferral is granted. The Committee shall provide notice of any deferral granted hereunder to the Treasurer/Collector. The Committee shall cause the agreement to be recorded at the Registry of Deeds, with the recording fee being added to the amount owed by the applicant. The agreement shall constitute a statement of the action of the Committee for the purposes of MGL c. 80, § 13B. The interest rate shall be, pursuant to the provisions of MGL c. 80, §§ 13 and 13B(1), the rate applicable to apportioned assessments. Payment shall become due as provided for by MGL c. 80, § 13B. The applicant shall cause the Treasurer/Collector to be notified upon the occurrence of an event that results in the payment becoming due. Once the debt is paid, the Treasurer/Collector shall cause to be recorded a renunciation or appropriate release with the Registry of Deeds. This section is intended to be in accordance with MGL c. 80, § 13B, and its provisions should be interpreted as such.

§ 375-16. Limitation on dumping septic waste.

- A. There shall be no dumping of trucked septic waste at the Taunton Wastewater Treatment Plant other than of septic waste collected within the City of Taunton, the Town of Raynham or the Town of Dighton.
- B. No sewage or effluent shall be accepted from any septic haulers except upon evidence of prepayment. Evidence of prepayment shall be in such form as may be designed and approved by the Commissioner of Public Works from time to time. The charge for the dumping of trucked septic waste shall be established and changed from time to time by the Committee on the Department of Public Works.

§ 375-17. Licensed installers.

All new sewers, connections and repairs of all existing sewers or connections shall be made only by installers licensed to perform such work in the City. Application forms and qualification requirements for installers shall be set forth by the Municipal Council Department of Public Works Committee. An application fee of \$150 shall be paid by each installer at the time of filing his application. Applications shall be renewed every year.

§ 375-18. Emergency work.

In an emergency, if a property owner is unable to contact a licensed installer, the City, within its limited capabilities, may, but shall not be compelled to, perform the necessary

work, for which the City shall be reimbursed in full. The labor cost reimbursement shall be based on the actual cost to the City.

§ 375-19. Repair work; limit of responsibility.

Should the City perform services as referred to in § 375-18, such as the installation of new sewer pipe or the repair of old sewer pipe on private property, the City of Taunton shall not be responsible for the replacing of grass, shrubs, damaged driveways or walks.

§ 375-20. Sewer caps.

Sewer cleanout caps in all buildings shall not be covered up by concrete or debris or otherwise concealed and must be accessible at all times. The City shall not be responsible for replacement of paneling that obstructs access to a cleanout cap. No caps of the so-called "fit all" type shall be installed as a permanent cap. It shall be the responsibility of the property owner to remove, at his/her expense, any illegal trap which currently exists on the sewer line in the basement of his/her house.

§ 375-21. Inspections; right of entry.⁵

The Department of Public Works Commissioner, Department of Public Works Supervisor of Sewers, City Engineer and other duly authorized City employees, bearing proper credentials and/or identification, shall be permitted to enter all private properties for the purpose of inspection, observation, testing and/or repair and maintenance of any sewer line. Aforementioned duly authorized City employees shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and/or maintenance of any portion of the sewage works lying within said easement.

§ 375-22. Sewer rates and sewer user charges; late penalty.

- A. In the event that charges for sewer service are not paid within 30 days after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent.
- B. To all such delinquent charges there shall be added an additional sum as a late charge to be computed as follows: the sum of 15% per annum compounded monthly on the unpaid balance computed as of the date due or the flat rate of \$5 for each and every thirty-day period or part thereof that the bill remains unpaid computed as of the date due, whichever amount is greater.
- C. The rates for minimum quarterly/monthly billing and metered flow shall be as follows: **[Amended 5-24-2011; 5-10-2016]**
 - (1) Minimum quarterly/monthly billing.
 - (a) For the fiscal year that begins July 1, 2016, the respective quarterly/monthly billing rates for each connection shall be according to the following fixed service charges that are based on the size of the meter serving the connection:

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Relative Meter Size	Meter Size (inches)	Quarterly	Monthly
1	5/8	\$112	\$37.33
1.1	3/4	\$123.20	\$41.07
1.4	1	\$156.80	\$52.27
1.8	1.5	\$201.60	\$67.20
2.9	2	\$324.80	\$108.27
11	3	\$1,232	\$410.67
14	4	\$1,568	\$522.67
21	6	\$2,352	\$784
29	8	\$3,248	\$1,082.67
37	10	\$4,144	\$1,381.33

(b) For the fiscal year that begins July 1, 2017, the respective quarterly/monthly billing rates for each connection shall be according to the following fixed service charges that are based on the size of the meter serving the connection:

Relative Meter Size	Meter Size (inches)	Quarterly	Monthly
1	5/8	\$123	\$41
1.1	3/4	\$135.30	\$45.10
1.4	1	\$172.20	\$57.40
1.8	1.5	\$221.40	\$73.80
2.9	2	\$356.70	\$118.90
11	3	\$1,353	\$451
14	4	\$1,722	\$574
21	6	\$2,583	\$861
29	8	\$3,567	\$1,189
37	10	\$4,551	\$1,517

(c) For the fiscal year that begins July 1, 2018, the respective quarterly/monthly billing rates for each connection shall be according to the following fixed service charges that are based on the size of the meter serving the connection:

Relative Meter Size	Meter Size (inches)	Quarterly	Monthly
1	5/8	\$123	\$41
1.1	3/4	\$135.30	\$45.10
1.4	1	\$172.20	\$57.40
1.8	1.5	\$221.40	\$73.80

Relative Meter Size	Meter Size (inches)	Quarterly	Monthly
2.9	2	\$356.70	\$118.90
11	3	\$1,353	\$451
14	4	\$1,722	\$574
21	6	\$2,583	\$861
29	8	\$3,567	\$1,189
37	10	\$4,551	\$1,517

(2) Two-tiered billing rates.

(a) For bills issued after July 1, 2016:

- [1] Step 1: \$1.90 per 100 cubic feet for usage of one to 3,000 cubic feet (quarterly bills); and one to 1,000 cubic feet (monthly bills), respectively.
- [2] Step 2: \$6.76 per 100 cubic feet for the incremental usage in excess of 3,000 cubic feet (quarterly bills); and 1,000 cubic feet (monthly bills), respectively.

(b) For bills issued after July 1, 2017:

- [1] Step 1: \$2.35 per 100 cubic feet for usage of one to 3,000 cubic feet (quarterly bills); and one to 1,000 cubic feet (monthly bills), respectively.
- [2] Step 2: \$8.37 per 100 cubic feet for the incremental usage in excess of 3,000 cubic feet (quarterly bills); and 1,000 cubic feet (monthly bills), respectively.

(c) For bills issued after July 1, 2018:

- [1] Step 1: \$2.72 per 100 cubic feet for usage of one to 3,000 cubic feet (quarterly bills); and one to 1,000 cubic feet (monthly bills), respectively.
- [2] Step 2: \$9.68 per 100 cubic feet for the incremental usage in excess of 3,000 cubic feet (quarterly bills); and 1,000 cubic feet (monthly bills), respectively.

§ 375-23. Jurisdiction over property of Taunton Housing Authority.⁶

For purposes of these ordinances, all main drains, common sewers, and catch basins erected and maintained on property under the ownership and control of the Taunton Housing Authority shall be deemed part of the Taunton sewer system and shall, upon due acceptance by the Municipal Council, come under the jurisdiction of the Committee on the Department of Public Works, the Department of Public Works Commissioner,

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

and the Department of Public Works Supervisor of Sewers as public drains and sewers. All building systems and connectors on such Taunton Housing Authority property shall be deemed private property for purposes of these ordinances.

ARTICLE II

Sewer Use

[Added 5-31-1994; amended in its entirety 3-22-2011]

§ 375-24. Regulation of use of public sewers.

The purpose of this article regulating the use of public sewers and drains is to provide for the use of the publicly owned sewerage facilities by industries served by the City without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewaters from the area served by the City, and without the discharge by the publicly owned treatment works of pollutants which would be in violation of its permitted discharge under the applicable rules and regulations of state and federal regulatory agencies.

§ 375-25. General provisions.

A. Purpose and policy.

- (1) This article sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the City of Taunton and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this article are to:
 - (a) Prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
 - (b) Prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
 - (c) Ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
 - (d) Protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
 - (e) Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
 - (f) Provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
 - (g) Enable the City to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.
- (2) This article shall apply to all users of the POTW. This article authorizes the issuance of wastewater discharge permits; authorizes 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.

- B. Administration. Except as otherwise provided herein, the Commissioner of the Department of Public Works shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the Commissioner may be delegated by the Commissioner to other authorized personnel.
- C. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. The use of the singular shall be construed to include the plural, and the plural shall include the singular, as indicated by the context of its use.

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The EPA Regional Administrator is the Approval Authority as cited in 40 CFR 403.3(c).

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 that 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 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 the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
- (4) The individuals described in Subsections (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° C., usually expressed as a concentration [milligrams per liter (mg/l)].

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 to 471.

CITY — The City of Taunton and its duly authorized representatives.

COLOR — The optical density at the visual wavelength of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

COMMISSIONER — The Commissioner of the Department of Public Works. The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.

COMPOSITE SAMPLE — The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

DAILY AVERAGE LIMIT — The highest allowable concentration for any pollutant in a waste stream discharged during any one day by a user based upon a composite sample or, in the case of a batch discharge, based upon a grab sample.

ENVIRONMENTAL PROTECTION AGENCY (EPA) — The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

EXISTING SOURCE — Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if the standards are thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

INDIRECT DISCHARGE or DISCHARGE — The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

INDUSTRIAL WASTE OR WASTEWATER — Any liquid, gaseous, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

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

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.

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 which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located;
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) 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, should be considered.
- (2) Construction at 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 Subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this subsection has commenced if the owner or operator has:
 - (a) Begun, or caused to begin as part of a continuous on-site construction program:
 - [1] Any placement, assembly, or installation of facilities or equipment; or
 - [2] Significant site preparation, including clearing, excavation, or removal of existing buildings, structures or facilities, which is

necessary for placement, assembly, or installation of new source facilities or equipment; or

- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. 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 subsection.

NON-CONTACT COOLING WATER — Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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, are a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, or assigns. This definition includes all federal, state, or local government entities.

pH — A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT — Any dredged spoil, solid waste, residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor].

PRETREATMENT — The reduction of the amount of pollutants, the elimination of the pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

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

PRETREATMENT STANDARDS or STANDARDS — Prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 375-26A of this article.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the

City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the City.

SEPTIC TANK WASTE or SEPTAGE — Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE — Human excrement and gray water (household showers, household dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER —

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process waste stream which makes up 5% or more of the average dry hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the City 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) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG LOAD — Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 375-26A of this article or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE — Classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid and which is removable by laboratory filtering.

TOXIC POLLUTANT — One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under Section 307 of the Act (33 U.S.C. § 1317).

TREATMENT PLANT EFFLUENT — The discharge from the POTW into waters of the United States.

USER or INDUSTRIAL USER — A source of indirect discharge. An industrial discharger to the POTW.

WASTEWATER — Liquid and 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.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT — That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

D. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
gpd	Gallons per day
l	Liter
mg	Milligrams
mg/l	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act (42 U.S.C. § 6901 et seq.)
TSS	Total suspended solids
U.S.C.	United States Code

§ 375-26. General sewer use requirements.

A. Prohibited discharge standards.

(1) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(2) Specific prohibitions.

(a) No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- [1] Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21.
- [2] Wastewater having a pH less than 5.5 or otherwise causing corrosive structural damage to the POTW or equipment. If a continuous pH chart recorder is being used, any occurrence of pH over 9.5 but under 10.5 for a period of 30 minutes or more per day is prohibited. Any occurrence of pH between 10.5 and 11.0 for more than 15 minutes per day is prohibited. Any pH occurrence over 11.0 is prohibited. If a continuous pH chart recorder is not being used, any occurrence of pH over 9.5 is prohibited. At no time shall any discharge cause the pH of the influent at the POTW head works to go above 9.5.
- [3] Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than 1 1/2 inches or 3.81 centimeters in any dimension.⁷
- [4] 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.
- [5] Wastewater having a temperature greater than 150° F. (65° C.) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.).
- [6] Petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, or any other oil in excess of five mg/l or in amounts that will cause interference or pass-through.
- [7] Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- [8] Trucked or hauled pollutants, except at discharge points designated by the City in accordance with § 375-27D.
- [9] Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair.
- [10] Wastewater which imparts a color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

- [11] Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Commissioner in compliance with applicable state or federal regulations.
 - [12] Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorize by the Commissioner.
 - [13] Sludges, screenings, or other residues from the pretreatment of industrial wastes.
 - [14] Medical wastes, except as specifically authorized by the Commissioner in a wastewater discharge permit.
 - [15] Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - [16] Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
 - [17] Hazardous waste or wastewater resulting from treatment of hazardous or toxic wastes, as designated under state and federal law, and discharged to the POTW by dedicated pipe or truck.
 - [18] Septage or septage by-products from haulers or other dischargers except as specifically approved by the Commissioner.
 - [19] Waters or wastes containing fats, wax, grease or oils, not specifically prohibited in Subsection A(2)(a)[6], in excess of 100 mg/l or containing other substances which may solidify or become viscous between 32° F. (0° C.) and 150° F. (65° C.). Waters or wastes containing such substances, excluding normal household wastes, shall exclude all visible floating oils, fats and greases. The use of chemical or physical means to bypass or release fats, oils and greases into the POTW is prohibited.
- (b) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that it could be discharged to the POTW.

B. Federal categorical pretreatment standards.

- (1) The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 to 471, are hereby incorporated.

- (2) In accordance with the 2005 Pretreatment Streamlining Rule, categorical industrial users (CIUs) subject to the pretreatment standards of 40 CFR 414, Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF), may have flow-based limits replaced with equivalent concentration-based limits. The decision to use equivalent concentration-based limits for flow-based limits is at the discretion of the City and not the CIU. Applicable CIUs may submit an application to the City requesting replacement of their flow-based mass limits with the equivalent concentration-based limits.
- C. State requirements. State pretreatment standards located at 314 CMR 7.00, 12.00 and 12.08 are hereby incorporated.
- D. Local limits.
 - (1) The following pollutant limits are established to protect against pass-through and interference. No person shall discharge into the POTW any waters or wastes containing concentrations of the following materials in excess of the following daily average limits:
 - (a) Arsenic: 1.21 mg/l.
 - (b) Biochemical oxygen demand (BOD): 922 mg/l.
 - (c) Cadmium: 0.098 mg/l.
 - (d) Chromium: 1.0 mg/l.
 - (e) Copper: 0.58 mg/l.
 - (f) Cyanide: 0.37 mg/l.
 - (g) Lead: 0.88 mg/l.
 - (h) Mercury: 0.0005 mg/l.
 - (i) Nickel: 1.0 mg/l.
 - (j) Silver: 0.041 mg/l.
 - (k) Total suspended solids: 660 mg/l.
 - (l) Zinc: 2.80 mg/l.
 - (m) Oil and grease (animal or vegetable origin): 100 mg/l.
 - (2) All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Commissioner may impose mass limitations in addition to (or in place of) the concentration-based limitations above.
- E. City's right of revision. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
- F. Special agreement. The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no

case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. The user may also request a variance from the categorical pretreatment standard from the Approval Authority. Such a request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

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

§ 375-27. Pretreatment of wastewater.

- A. Pretreatment facilities. Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 375-26A of this article within the time limitations specified by the EPA, the state, or the Commissioner, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City 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 City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this article.
- B. Additional pretreatment measures.
- (1) Whenever deemed necessary, the Commissioner may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
 - (2) A wastewater discharge permit may be issued solely for flow equalization.
 - (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commissioner, 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 type and capacity approved by the Commissioner and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at

his expense.

- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
 - (5) At no time shall two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than 10% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.
- C. Accidental discharge/slug control plans. The Commissioner may require any user to develop and implement an accidental discharge/slug control plan. At least one time the Commissioner shall evaluate whether each significant industrial user needs such a plan and install requirements in the significant industrial user permit to allow the Commissioner the flexibility to review the need for a slug control plan or action as necessary on a continuing basis. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
- (1) Description of discharge practices, including nonroutine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 375-26A of this article;
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response; and⁸
 - (5) Procedures for immediately notifying the POTW of any changes at its facilities, not already addressed in its slug control plan or other slug requirements, affecting slug discharge potential.
- D. Hauled wastewater.
- (1) Septic tank waste and hauled industrial waste, treated or otherwise, may be introduced into the POTW only at designated receiving structures designated by the Commissioner and at such times as are established by the Commissioner. Such wastes shall not violate § 375-26 of this article or any other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the Commissioner.
 - (2) The Commissioner shall issue wastewater discharge permits to original sources of hauled industrial waste. The Commissioner shall also have authority to prohibit the disposal of hauled industrial or septage wastes or their

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

by-products.

- (3) Waste haulers shall only discharge loads at locations specifically designated by the Commissioner. No load may be discharged without prior consent of the Commissioner. The Commissioner may collect samples of each hauled load to ensure compliance with applicable standards. The Commissioner may require the hauler to add chemicals to any load prior to discharge and provide a waste analysis of any load prior to discharge.
 - (4) Waste haulers must complete a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste. In addition, for hauled industrial waste, the form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. The waste hauler shall sign a certification statement indicating the wastes are nonhazardous.
 - (5) No septage originating outside of Taunton, Raynham or Dighton may be discharged at the City of Taunton Wastewater Treatment Plant, except with the written approval of the Municipal Council.
 - (6) No person shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any septage, septage by-products, or commercial or industrial waste which originates outside the limits of the POTW's jurisdiction, except with the specific written approval of the Commissioner.
 - (7) No person shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any septage which includes any industrial waste.
 - (8) Fees for dumping hauled wastes will be established as part of the user fee system as authorized in § 375-37 of this article.
- E. Vandalism. No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 375-34 through 375-36 of this article.

§ 375-28. Wastewater discharge permit eligibility.

- A. Wastewater survey. When requested by the Commissioner all users must submit information on the nature and characteristics of their wastewater, completing a wastewater survey prior to commencing their discharge. The Commissioner is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this article.
- B. Wastewater discharge permit requirement.
 - (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Commissioner. Any violations of the terms and conditions of a wastewater discharge permit

shall be deemed a violation of this article and subject the wastewater discharge permittee to the sanctions set out in §§ 375-34 through 375-36 of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

- (2) The Commissioner may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this article.
- C. Wastewater discharge permitting; existing conditions. Any user required to obtain a wastewater discharge permit that was discharging wastewater into the POTW prior to the effective date of this article and that wishes to continue such discharges in the future shall, within 90 days after said date, apply to the City for a wastewater discharge permit in accordance with Subsection F of this section and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the Commissioner.
 - D. Wastewater discharge permitting; new connections. Any user required to obtain a wastewater discharge permit that 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 must be filed at least 90 days prior to the date upon which any discharge will begin. All proposed new connections to the POTW must comply with the Massachusetts Sewer System Extension and Connection Permit Program regulations cited in 314 CMR 7.00.
 - E. Wastewater discharge permitting; extrajurisdictional users. Any existing user located beyond the City limits required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application, in accordance with Subsection F of this section, within 90 days of the effective date of this article. New users located beyond the City limits required to obtain a wastewater discharge permit shall submit such applications to the Commissioner 90 days prior to any proposed discharge into the POTW.
 - F. Wastewater discharge permit application contents. All users required to obtain a wastewater discharge permit must submit the information required by § 375-30A(2) of this article. The Commissioner shall approve a form to be used as a permit application. In addition, the following information may be requested:
 - (1) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (2) Number and type of employees, hours of personnel and proposed or actual hours of operation of the POTW;
 - (3) Each product produced by type, amount, process or processes, and rate of production;
 - (4) Type and amount of raw materials processed (average and maximum per day);

- (5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation and all points of discharge;
 - (6) Time and duration of the discharge; and
 - (7) Any other information as may be deemed necessary by the Commissioner to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
- G. Application signatories and certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user, someone who has general management authority and responsibilities and has the authority to make capital investment decisions and assure long-term environmental compliance, and contain the following certification statement:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- H. Wastewater discharge permit decisions. The Commissioner will evaluate the data furnished by the user and may require additional information. Within a specified time from the receipt of a complete wastewater discharge permit application, the Commissioner will determine whether or not to issue a wastewater discharge permit. The Commissioner may deny any application for a wastewater discharge permit.

§ 375-29. Wastewater discharge permit issuance process.

- A. Wastewater discharge permit duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Commissioner. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- B. Wastewater discharge permit contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Commissioner 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.
 - (1) Wastewater discharge permits must contain the following conditions:
 - (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

- (b) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the City and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (c) Pretreatment standards and effluent limits based on the general and specific prohibited discharge standards, categorical pretreatment standards, local limits, and state and local law;
 - (d) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
 - (e) A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties;
 - (c) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (d) 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;⁹
 - (e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (f) The unit charge or schedule of user charges and fees for the management of the wastewater discharges to the POTW;
 - (g) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

become effective during the term of the wastewater discharge permit; and

- (i) Other conditions as deemed appropriate by the Commissioner to ensure compliance with this article and state and federal laws, rules, and regulations.
- C. Wastewater discharge permit appeals. Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.
- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - (4) If the City fails to act within 90 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- D. Wastewater discharge permit modification. The Commissioner may modify the wastewater discharge permit for good cause, including but not limited to the following:
- (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 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 City's POTW, City personnel, or the receiving waters;
 - (5) Violation of any terms or conditions of the 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 wastewater discharge permit; or
 - (9) To reflect a transfer of the facility ownership and/or operation to a new owner/

operator.

- E. Wastewater discharge permit transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives least 90 days' advance notice to the Commissioner and the Commissioner approves the wastewater discharge permit transfer.¹⁰
- (1) The notice to the Commissioner must include a written certification by the new owner and/or operator which:
 - (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur; and
 - (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
 - (2) Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.
- F. Wastewater discharge permit revocation.
- (1) Wastewater discharge permits may be revoked for, but not limited to, the following reasons:
 - (a) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide prior notification to the City of changed condition pursuant to § 375-30E of this article;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (d) Falsifying self-monitoring reports;
 - (e) Tampering with monitoring equipment;
 - (f) Refusing to allow the City timely access to 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 a permitted facility;
or

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (m) Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this article.
 - (2) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
- G. Wastewater discharge permit reissuance. A user, required to have a wastewater discharge permit, shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with § 375-28F of this article, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.
- H. Regulation of wastes received from other jurisdictions.
 - (1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality.
 - (2) Prior to entering into an agreement required by Subsection H(1) above, the Commissioner shall request the following information from the municipality:
 - (a) A description of the quality and volume of the wastewater discharged to the POTW by the contributing municipality;
 - (b) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - (c) Such other information as may be required by the Commissioner.
 - (3) An intermunicipal agreement, as required by Subsection H(1) above, shall contain the following conditions:
 - (a) A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in § 375-26D of this article. The requirement shall specify that such ordinance and limits be revised as necessary to reflect changes made to this article and/or local limits;
 - (b) A requirement for the municipal user to submit revised user inventory on at least an annual basis;
 - (c) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and enforcement, will be conducted by the contributing municipality, which of these activities will be conducted by the Commissioner, and which of these activities will be conducted jointly by the contributing municipality and the Commissioner;
 - (d) A requirement for the municipal user to provide the City with access to all information that the municipal user obtains as part of its pretreatment activities;

- (e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (f) Requirements for monitoring the contributing municipality's discharge;
- (g) A provision ensuring the Commissioner access to the facilities of users located in the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Commissioner; and
- (h) A provision specifying remedies available for breach of terms of the intermunicipal agreement.

§ 375-30. Reporting requirements.

A. Baseline monitoring reports.

- (1) Within either 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 users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the City a report which contains the information listed in Subsection A(2) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in Subsection A(2) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (2) Users described above shall submit the information set forth below:
 - (a) Identifying information. The name and address of the facility, including the name of the operator and owner.
 - (b) Environmental permits. A list of any environmental control permits held by or for the facility.
 - (c) Description of operations. A brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (e) Measurement of pollutants.

[1] The categorical pretreatment standards applicable to each regulated

process.

[2] The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) 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 Subsection J of this section. A day is a twenty-four-hour period that may or may not be a calendar day. The Commissioner may request a specific sampling period.

[3] Sampling must be performed in accordance with procedures set out in Subsection K of this section.

(f) Certification. A statement, reviewed by the user's authorized representative and certified by a 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.

(g) 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. 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 Subsection B of this section.

(h) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 375-28G of this article.

B. Compliance schedule progress report. The following conditions shall apply to the schedule required by Subsection A(2)(g) of this section:

(1) 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;

(2) No increment referred to above shall exceed nine months;

(3) The user shall submit a progress report to the Commissioner no later than 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

- (4) In no event shall more than nine months elapse between such progress reports to the Commissioner.
- C. Report on compliance with categorical pretreatment standard deadline. Within 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 City a report containing the information described in Subsection A(2)(d) to (f) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 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 § 375-28G of this article.
- D. Periodic compliance reports.
- (1) All significant industrial users shall, at a frequency determined by the Commissioner but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 375-28G of this article.
 - (2) 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 representative of its discharge.
 - (3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Subsection K of this section, the results of this monitoring shall be included in the report.
- E. Report of changed conditions. Each user must notify the Commissioner of any planned 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.
- (1) The Commissioner 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 § 375-28F of this article.
 - (2) The Commissioner may issue a wastewater discharge permit under § 375-28H of this article or modify an existing wastewater discharge permit under § 375-29D of this article in response to changed conditions or anticipated changed conditions.

- (3) No user shall implement the planned changed condition(s) until and unless the Commissioner has responded to the user's notice.
 - (4) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 10% or greater and the discharge of previously unreported pollutants.
- F. Reports of potential problems.
- (1) In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW (including a violation of the prohibited discharge standards in § 375-26A of this article), the user shall immediately telephone and notify the City of Taunton Wastewater Treatment Plant and the Sewer Division 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.¹¹
 - (2) Within five days following such discharge, the user shall, unless waived by the Commissioner, 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 may be incurred as a result of damage to the POTW or natural resources 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 pursuant to this article.
 - (3) Failure to notify the City of potential problem discharges shall be deemed a violation of this article.
 - (4) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection F(1) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.
- G. Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Commissioner may require.
- H. Notice of violation; repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the City within 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 City within 30 days after becoming aware of the violation. The user is not required to resample if the POTW monitors at the user's facility at least once a month or if the POTW samples between the user's initial sampling and when the user receives the results of this sampling.
- I. Notification of the discharge of hazardous waste. The discharge of hazardous waste

11. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

to the POTW is prohibited.

- J. 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, 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 the EPA. Except where the Commissioner has approved a certified QAQC program, all analyses must be performed by a Massachusetts DEP certified lab.
- K. Sample collection.
- (1) Except as indicated in Subsection K(2) below, the user must collect wastewater samples using flow-proportional composite collection techniques. The Commissioner may authorize the use of time-proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.
- L. Determination of noncompliance. The Commissioner will use appropriate sampling to determine noncompliance with pretreatment standards.
- M. Timing. 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.¹²
- N. Recordkeeping. Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact 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 years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW or where the user has been specifically notified of a longer retention period by the Commissioner.

§ 375-31. Compliance monitoring.

- A. Inspection and sampling. The Commissioner shall have the right to enter the

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

facilities of any user to ascertain whether the purpose of this article, or any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the Commissioner 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.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make the necessary arrangements with its security guards so that, upon presentation of suitable identification, the Commissioner will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (2) The Commissioner 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.
 - (3) The Commissioner 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 as required to ensure their accuracy.¹³
 - (4) 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 Commissioner and shall not be replaced. The costs of clearing such access shall be born by the user.
 - (5) Unreasonable delays in allowing the Commissioner access to the user's premises shall be a violation of this article.
- B. Search warrants. If the Commissioner has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate that there is probable cause to believe that there is a violation of this article, or that there is a need to inspect such a building, structure or property as part of a routine inspection program of the City designed to verify compliance with this article, or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Commissioner may seek issuance of a warrant from the Superior Court authorizing search of such building, structure or property for the suspected violation and/or access thereto to perform such inspections.

§ 375-32. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be available to the public, without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user furnishing a report

13. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

that such information should be held confidential, 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 upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

§ 375-33. Publication of users in significant noncompliance.¹⁴

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous 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 nondomestic users if they cause pass-through or interference, cause the POTW to exercise its emergency authority to halt or prevent a discharge, cause imminent endangerment to human health, welfare or the environment, or adversely affect the pretreatment program) that at any time during the preceding 12 months were in significant noncompliance with applicable pretreatment standards or requirements of one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined by 40 CFR 403.3(l).
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during the six-month period equal or exceed the product of a numeric pretreatment standard or requirement, including instantaneous limits as defined by 40 CFR 403.3(l), multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
- C. Any other violation of the pretreatment standard or requirement defined by 40 CFR 403.3(l), daily maximum, long-term average, instantaneous limit or narrative standards that the POTW determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of the POTW personnel or the general public).
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Commissioner's exercise of his emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within 90 days after the schedule date, a compliance milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports or compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violations or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

§ 375-34. Administrative enforcement remedies.

- A. Notification of violation. When the Commissioner finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Commissioner may serve upon that user a notice of violation. This notice of violation may be verbal or in written form. If so required, within 14 days of the receipt of this notice, or by the response date cited on this 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 Commissioner. Submission of this 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 City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- B. Consent orders. The Commissioner may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will 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 Subsections D and E of this section and shall be judicially enforceable.
- C. Show cause hearing. The Commissioner may order a user which has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement to appear before the Commissioner and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least three days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- D. Compliance orders. When the Commissioner finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Commissioner may issue an order to the user responsible for the discharge directing

that the user come into compliance within a specified number of days. If the user does not come into compliance within the specified number of days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also 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 federal 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.

E. Cease and desist orders.

- (1) When the Commissioner finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Commissioner 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.
- (2) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. Administrative fines.

- (1) When the Commissioner finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Commissioner may fine such user in an amount not to exceed \$5,000 per day. Fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.¹⁵
- (2) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 15% per year, compounded monthly on the unpaid balance, computed as of the due date. A lien against the user's property will be brought for unpaid charges, fines, and penalties.
- (3) Users desiring to dispute such fines must file a written request for the Commissioner to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Commissioner shall convene a hearing on the matter within 30 days of

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
- G. Emergency suspensions. The Commissioner may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Commissioner 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 which presents or may present an endangerment to the environment.
- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Commissioner shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or its receiving stream or endangerment to any individuals. The Commissioner shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in Subsection H of this section are initiated against the user.
 - (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Commissioner prior to the date of any show cause or termination hearing under Subsections C and H of this section. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
- H. Termination of discharge.
- (1) In addition to the provisions in § 375-29F of this article, any user that violates the following conditions is subject to discharge termination:
 - (a) Violation of wastewater discharge permit condition;
 - (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 § 375-26 of this article.

- (2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Subsection C of this section why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

§ 375-35. Judicial enforcement remedies.

- A. Injunctive relief. When the Commissioner finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Commissioner may petition the Superior Court or the Supreme Judicial Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including 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.
- B. Civil penalties.
 - (1) A user which has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the City for a maximum civil penalty of \$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.
 - (2) The Commissioner 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 City.
 - (3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
 - (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- C. Criminal prosecution.
 - (1) A user which has willfully or negligently violated any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$5,000 per violation, per day.
 - (2) A user which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon

conviction, be subject to the maximum allowable penalty under state law and/or be subject to imprisonment. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

- (3) A user which knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, a wastewater discharge permit, or order issued hereunder or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$5,000 per violation per day.
- D. Remedies nonexclusive. The provisions in §§ 375-33 through 375-36 of this article are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.
- E. Fine amounts. In the event that the amount of any administrative fine, civil penalty or criminal fine issued or sought to be imposed upon any person under the provisions of §§ 375-33 through 375-36 of this article is found to be contrary to the provisions of MGL c. 40, § 21, or any other applicable law, then the administrative fine, civil penalty or criminal fine, as the case may be, shall be deemed to be reduced to the maximum amount permitted by MGL c. 40, § 21.¹⁶

§ 375-36. Supplemental enforcement action.

- A. Performance bonds. The Commissioner may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this article, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Commissioner to be necessary to achieve consistent compliance.
- B. Liability insurance. The Commissioner may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this article, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- C. Water supply severance. Whenever a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has

16. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

satisfactorily demonstrated its ability to comply.

- D. Public nuisances. A violation of any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Commissioner. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.
- E. Contractor listing. Users which have not achieved compliance with applicable pretreatment standards and requirements may be declared not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the City.

§ 375-37. Pretreatment fees and pollutant surcharges.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program. The City may also adopt and establish pollutant (including flow) surcharge limits and rates.

- A. The pretreatment fee and pollutant surcharge program established and controlled by the Municipal Council may include but is not limited to:
 - (1) Fees for wastewater discharge permit applications, including the cost of processing such applications;
 - (2) Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing a user's discharge and reviewing monitoring reports submitted by users;
 - (3) Fees for reviewing and responding to accidental discharge procedures and construction;
 - (4) Fees for filing appeals;
 - (5) Fees for pollutant surcharges; and
 - (6) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the City.
- B. Fee schedule.
 - (1) Industrial discharge application: \$25.
 - (2) State sewer permit review: \$25.
 - (3) Pretreatment inspection: \$25.
 - (4) Compliance sampling: \$25.

- (5) Appeal filing: \$25.
- (6) Annual industrial discharge permit fee: \$25.
- (7) Surcharge rates:
 - (a) Biochemical oxygen demand: \$0.10 per pound over 400 mg/l.
 - (b) Total suspended solids: \$0.15 per pound over 400 mg/l.

ARTICLE III

**Illicit Inflow/Infiltration into Municipal Sewer Collection and Treatment System
[Added 7-19-2005]****§ 375-38. Purpose.¹⁷**

The purpose of this article is to eliminate all private sources of inflow and infiltration into the City of Taunton's municipal sewer system and publicly owned treatment works.

§ 375-39. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMBINED SEWER — That portion of the POTW collection system which is a drain or sewer receiving stormwater runoff, groundwater and sanitary sewage and/or industrial wastes.

INFILTRATION — The water entering the sewage system, including building sewers, from the ground or a water body through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

INFLOW — The extraneous water discharged into the POTW collection system, including but not limited to roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catch basins, stormwater, surface runoff, street wash water, drainage or sump pumps.

PRIVATE SOURCE — Any nonmunicipally owned building, structure or property within the City of Taunton or connected to the City of Taunton's POTW collection system.

PROHIBITED CONNECTION — A connection of exhaust from steam engines, blowoffs from boilers, roof downspouts, exterior foundation drains, areaway drains, cellar floor drainage or other sources of surface runoff or groundwater or inflow to a building sewer which in turn is connected directly or indirectly to a sanitary sewer.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

§ 375-40. Prohibited activity.

Notwithstanding any other provision of the City ordinances, effective July 1, 2005, it shall be unlawful for any private source to:

- A. Discharge into the City's POTW collection system, or to any connection, appurtenances or structure leading thereto, water in any form, as defined as "inflow" in § 375-39, or "infiltration" as defined in § 375-39.
- B. Construct, maintain, continue or allow a prohibited connection as defined in

17. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

§ 375-39 above.

§ 375-41. Private sources of inflow and prohibited connections to be eliminated.

- A. Amnesty. No later than six months following the date of passage of this article, all existing private sources of inflow and all prohibited connections to POTW shall be eliminated by the private source.
- B. Notice. Whenever the City has identified private sources of inflow or prohibited connections, the Commissioner shall cause notice thereof to be given to the owner or occupant of the offending property. Said notice shall contain as a minimum:¹⁸
 - (1) A copy of this article.
 - (2) Recommended options for elimination and compliance, including sources of technical and/or financial assistance from any federal, state or local agencies or private or public nonprofit agencies only to the extent that the Commissioner is aware of the same at the time of sending notice.
 - (3) The identification, including telephone number and address, of the City's contact person for implementation of this article.
- C. Failure of notice not defense. Failure of the Commissioner to either provide notice or provide notice with the contents defined in Subsection B(1) to (3) above shall not be an excuse for violation of or a defense against enforcement of this article.

§ 375-42. Right of entry.

Duly authorized employees of the Public Works Department, the City of Taunton, bearing proper credentials and identification, shall be permitted to enter, at reasonable times, all properties for the purpose of inspection, observation, measurement, repair, maintenance, sampling, and testing in accordance with the provisions of this article.

§ 375-43. Violations and penalties; enforcement.

- A. Any person who violates the terms of this article shall be subject to a fine of \$300 for each offense each day in which a violation continues. Each day shall be considered a separate violation of this article and shall be punishable by an additional fine of \$300.¹⁹
- B. The Commissioner and/or his designee in addition to the Zoning Enforcement Officer and any other public officer authorized by the law of the commonwealth or the Revised Ordinances of the City of Taunton to enforce ordinances may enforce the provisions of this article.

§ 375-44. Exemptions; hearings.

- A. Exemption. No existing private source of inflow or any other violation of this article shall be allowed to continue beyond the amnesty period defined in § 375-41A above

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

except upon a showing of technical infeasibility as defined in Subsection B below or if compliance with this article would jeopardize public health or safety in the Commissioner's sole determination.

- B. Technical infeasibility. Technical infeasibility for compliance shall exist upon a final determination by the Commissioner that, because of the soil conditions, elevations, or proximity to naturally occurring or man-made drainage systems, compliance is impossible. Financial hardship shall not constitute technical infeasibility for purposes of this article.
- C. Hearing. A party may request, in writing, a hearing before the Commissioner to determine whether the party is entitled to an exception within the meaning of Subsection B above.
- D. Appeal. The decision of the Commissioner shall be final and binding. Appeal thereof may only be taken by writ of certiorari pursuant to MGL c. 249, § 4.

ARTICLE IV
Sewer Bank and Infiltration/Inflow Removal Fee
[Added 12-9-2008]

§ 375-45. Purpose.

The purpose of the sewer bank is to allow limited expansion of sewers while decreasing the burden on an overtaxed sewer system. The Taunton sewer system currently experiences overflows during times of high groundwater and heavy rainfall, and allowing additional flow into the system without reductions in extraneous flow would worsen the problem. The sewer bank will ensure that groundwater and rainfall, or infiltration/inflow (I/I), will be removed in sufficient amounts to allow additional sanitary sewage to be discharged to the system.

§ 375-46. Accounting.

- A. The sewer bank is a method of determining the quantity of sanitary sewer (wastewater) flows that can be added to the system as a function of how much I/I has been removed from the system. The unit of measurement for the sewer bank shall be gallons per day (gpd) of maximum daily wastewater flow. Each gpd of wastewater maximum daily flow shall be considered one credit. When I/I is removed from the system, the bank will be credited in gallons of maximum daily wastewater flow. When connections are made to the sewer system, the flows will be deducted from the sewer bank.
- B. Infiltration/inflow reduction credits to the sewer bank shall be calculated from April 15, 2005. Wastewater flow debits from the sewer bank shall be calculated from July 1, 2008.
- C. The City will add flow to the sewer bank for work done in reducing I/I to the sewer system. For illegally connected sump pumps, the City will add 500 gpd of flow to the sewer bank for each permanently redirected sump pump. For all other reduction projects the City will add one gallon of flow to the sewer bank for every five gallons of I/I removed. Wastewater design flows shall be calculated based on the most recent version of Massachusetts Title V Regulations (310 CMR 15.203). Maximum daily wastewater flows from facilities not listed in Title V shall be calculated by a licensed professional engineer in the Commonwealth of Massachusetts and submitted for approval by the Commissioner of Public Works. When the City permits/approves extensions and/or connections to the sewer system the City will reduce the sewer bank by the approved design flow. The extensions and/or connections also apply to the intermunicipal agreements.
- D. The sewer bank shall be administered by the Commissioner of Public Works. Changes and exceptions to the administration procedures shall be at the discretion of the Commissioner, with the approval of the Municipal Council. The Commissioner shall be responsible for crediting and debiting the sewer bank and for keeping copies of all sewer bank transactions.

§ 375-47. Applicability.

- A. All construction activities resulting in additional wastewater flow to the City sewer

system shall be subject to the requirements of the sewer bank. This includes, but is not limited to, new connections to the sewer system, expansion/renovation of existing buildings, and construction of additional buildings on existing lots. Expansion and/or renovation of an existing single-family residential home is exempt from this article.

- B. The sewer bank is established for lots located inside the existing sewer area and for those lots existing within the prioritized needs area as established in the Comprehensive Wastewater Management Plan published July 2005. All lots existing outside the needs area shall be serviced by means of on-lot treatment and disposal systems, as required by the Title V State Environmental Code (310 CMR 15) and shall not be connected to the City's sewer system. The owner of a lot located outside of the sewer area wishing to connect to the City sewer system may file a notice of project change with MEPA per 301 CMR 11.10(1). The owner shall meet all requirements of MADEP and must also receive approval from the Taunton DPW and the Municipal Council in order to be allowed to connect to the sewer system. Any owner receiving approval to connect through this process shall be subject to the fees established in this article.
- C. Applications for connection to the sewer system shall be reviewed on a first-come-first-served basis. If there are limited credits available in the sewer bank, existing buildings will be given first opportunity to connect.

§ 375-48. Conditions for connections.

- A. Sewer connections may only be made when the sewer bank has a positive balance, indicating that there is available capacity in the system. If there is insufficient capacity available to accommodate the flows generated by the new connection, the connection cannot be made until sufficient capacity is achieved. If the sewer bank has insufficient capacity to accommodate a new connection, the owner may petition the Taunton DPW for a project that will satisfy the requirements of a five-to-one ratio of I/I removed to maximum daily wastewater added. The City shall identify a project of sufficient scope to satisfy the sewer bank balance. The City shall be responsible for identifying a new project that meets the requirements of the applicant for a new connection. The City shall contract the required work with an outside independent contractor. The applicant shall not be allowed to connect to the sewer system until the sewer bank has been properly replenished to accommodate the applicant's new connection.
- B. The owner may petition the Commissioner to undertake a potable water use reduction project in lieu of contributing to the I/I fund or undertaking an individual I/I project. Water use reduction projects shall consist of the supply and replacement of existing standard water fixtures (toilets, shower heads, faucets, etc.) with low-flow equivalents, thereby reducing the amount of flow contributed to the sewer system. All low-flow fixtures must carry USEPA's WaterSense label. The City and the owner shall enter into a contract to govern the execution of a water use reduction project. The scope of the water use reduction project shall be designed to achieve a cost that is nearly equal to the cost that would be otherwise required by using the established I/I fee. This is necessary as water use reduction projects can vary significantly in cost due to the variability of the work to be performed, e.g., cost difference between a low-flow shower head versus a low-flow toilet. Every water

use reduction project shall achieve at least a one-for-one reduction. No crediting or debiting of the sewer bank shall be made for a water use reduction project. Water use reduction calculations must be certified by a licensed professional engineer in the Commonwealth of Massachusetts and approved by the Commissioner of Public Works. Owners completing eligible water use reduction projects shall be exempt from the I/I removal fee.

§ 375-49. Exceptions to conditions.

Any existing building within the existing sewer area or needs area with an on-site wastewater system that is deemed by the Taunton Board of Health to be a threat to public health shall be allowed to connect to the sewer system immediately, regardless of the balance of the sewer bank. Applicable permits shall be required. I/I removal fees shall still apply.

§ 375-50. Infiltration/inflow (I/I) removal fee.

- A. The standard I/I removal fee shall be \$5 per gpd of wastewater flow removed from the sewer bank. The I/I fee shall be deposited in a revolving account to be used only for improvements to the City's sewer and stormwater systems. The City Auditor is hereby authorized to establish a revolving fund to accomplish said objectives.
- B. Residents may request a reduced fee if they meet all of the following requirements:
 - (1) Homeowner must be over 65 years of age.
 - (2) Homeowner must have been a resident of Taunton for a minimum of 20 years.
 - (3) Homeowner must be able to demonstrate that he/she belongs under the low-income category (i.e., low-income families are defined as families whose income does not exceed 80% of the median income for the City of Taunton).
- C. Residents meeting all of the above requirements shall not be assessed the removal fee for wastewater flow removed from the sewer bank.

§ 375-51. Termination.

Should the elimination of the combined sewer overflow structure (located on West Water Street) occur and the hydraulic capacity of the sewer system be restored to a condition that will protect the public's health and safety and function in a manner that will convey wastewater in an efficient manner within the standard guidelines common to engineering practice as required by the regulatory agencies of appropriate jurisdiction, then this article shall be terminated as approved by order the Municipal Council.

