

**LANCASTER SEWER DISTRICT**  
**PO BOX 773 94 MAIN STREET**  
**SOUTH LANCASTER MA 01561**

# **RULES AND REGULATIONS**

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# IMPORT OF REGULATIONS

## General Provisions

**Reference to Regulations** These regulations may be referred to as the Commission's Sewer Use Regulations.

**Authority** Under the authority of Chapter 831 (Section 12) of the 1967 Acts and Resolves of Massachusetts and G.L. c. 83, and in furtherance of the goals set forth therein, the Lancaster sewer District Commission has established the following regulations governing the use of public and private sewers in the Lancaster Sewer District.

**Purpose.** The purpose of these guidelines is to govern the use of public and private sewers, and all related apertures, related to the disposal of sewage, the installation and connection of building sewers, and the discharge of waters and wastes into the Commission's sewage collection system; and provide penalties for violations thereof. These Regulations are intended to protect the public health, safety and welfare and the environment and to ensure proper and safe operation of the Commission's sanitary sewers by regulating the direct and indirect discharge of wastewater, Stormwater, and pollutants to the Commission's wastewater system.

**Severability.** The provisions of these Regulations are severable. If any provision of these Regulations or any specific application to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications which can be given effect in the absence of the invalid provision or application.

**Applicable Regulations.** Every user of the Commission's wastewater system shall be subject to Commission and MWRA regulations, as they apply, and to any charges, rates, fees, and assessments which are or may be established by the Commission or the MWRA. Every user of the Commission's wastewater system shall also be subject to applicable federal, state, and local regulations. In instances where various regulations contain different requirements, the most stringent requirements shall be met.

**Right to Amend Regulations.** The Commission reserves the right to amend these Regulations in any manner and to establish more stringent limitations or requirements as are deemed necessary or appropriate.

**MWRA Regulations.** No provision of these Regulations shall be deemed to contravene or render ineffective any valid MWRA regulation.

### **Required Applications and Permits.**

(a) Applications and permits required by these Regulations are in addition to applications and permits that may be required by other federal, state, MWRA and local laws or regulations. The following applications and permits are required by these Regulations and issued by the Commission as they apply:

- i. Permit to Enter Commission Sewers
- ii. General Service Application
- iii. Termination Verification Approval Application
- iv. Drainage Discharge Permit
- v. Sewer Use Discharge Permit

(b) A person shall not discharge or operate without having the appropriate valid permit for the discharge.

(c) The Commission may refuse to issue a permit for any discharge which it believes can reasonably be expected to result in significant harm to health, safety, the environment, the Commission's wastewater system, or may pass through, interfere with, or otherwise be incompatible with the wastewater treatment process or sludge disposal.

(d) The Commission shall enforce, pursuant to the ENFORCEMENT section of these Regulations and other applicable local, state, and federal laws, the terms and conditions of a permit issued under these Regulations.

(e) The Commission may modify a permit as deemed necessary or appropriate or as required by state or federal law.

(f) A permittee may request reconsideration of the terms and conditions in an issuance, renewal, or modification of a permit issued by the Commission, and an applicant may request reconsideration of the denial of a permit by the Commission pursuant to these Regulations. With regards to Sewer Use Discharge Permits, which are issued jointly by the Commission and the MWRA, requests for reconsideration shall be subject to the requirements and procedures as set forth in the MWRA's Enforcement and Administrative Penalties Regulations, 360 CMR 2.00.

(g) A permit shall not be assigned or transferred without prior written approval of the Commission. After approval of a permit assignment or transfer, the permittee shall provide a copy of the permit to the assignee or transferee.

(h) These Regulations shall not be construed to require the Commission to permit itself or those in its employ for activities done to carry out the Commission's responsibilities under any federal or state laws, regulations, or requirements.

## DEFINITIONS

Any definitions which are not defined herein shall be interpreted as defined in the most recent edition of the Glossary-Water and Wastewater Control Engineering, published by the Water Pollution Control Federation (WPCF) (now called the Water Environment Federation (WEF)), Washington, D.C. Throughout these Regulations, shall is mandatory, and may is permissive. Unless specifically indicated otherwise, the meaning of the terms used in these regulations shall be as follows:

**Backwater valve** shall mean a device installed in a building drain, building to prevent the discharge from the building, or flows originating outside the building, from flowing back into the building.

**Bacteria treatment** shall mean the introduction into the wastewater system of microorganisms specifically bred to accelerate the natural decomposition of fats, oils and grease of animal or vegetable origin.

**Biochemical Oxygen Demand** or **BOD** shall mean the quantity of oxygen utilized in 5 days at 20 degrees Celsius (C), expressed in milligrams per liter (mg/l), in the biochemical oxidation of wastewater as determined by a procedure described in Standard Methods.

**Blowdown** shall mean the minimum discharge of recirculated water from a heating or cooling system for the purpose of preventing the concentration of materials contained in the water from exceeding limits established by best engineering practice.

**BMP** shall mean Best Management Practice

**Building drain** shall mean the lowest horizontal piping of a plumbing or drainage system which extends from inside or outside the walls of a building to a point ending 10 feet (3.048 meters) outside the inner face of the building foundation wall. The building drain conveying wastewater from plumbing fixtures within the building shall discharge to a building sewer, while the building drain conveying stormwater and other drainage shall discharge to a building storm drain.

**Building sewer**, also referred to as a **house connection**, **service** or **lateral**, shall mean the pipe which connects to a building drain conveying wastewater from plumbing fixtures within a building to a Commission sewer, a private sewer, an MWRA sewer (where allowed by MWRA), or other place of disposal. The building sewer begins 10 feet outside the inner face of the building foundation wall and extends to and includes the connection to the Commission sewer.

**Building storm drain** shall mean the pipe, which connects a building drain conveying stormwater to a storm drain or other place of disposal.

**Bypass** shall mean an intentional or negligent diversion of a waste stream, by direct or indirect means, to the Commission's wastewater system, from any portion of a pretreatment facility

prior to completing pretreatment, or from any industrial process or other source of wastewater prior to pretreatment.

**Chemical Oxygen Demand or COD** shall mean the oxygen equivalent of the portion of the organic matter that is susceptible to oxidation by a strong chemical oxidant, expressed in milligrams per liter, as determined by a procedure described in Standard Methods.

**Cleanout** shall mean a device or structure designed to provide access to a building drain, building sewer or building storm drain for the purpose of eliminating blockages and removing deposited or accumulated materials.

**Clinton** shall mean the Town of Clinton or any agent or officer duly authorized to act in its place.

**Collection system** shall mean the pipes, conduits, pumping stations, and appurtenances involved in the collection and transport of wastewater and stormwater.

**Combined sewer** shall mean a sewer designed to receive both wastewater and storm or surface water.

**Combined Sewer Overflow (CSO) or Combined Sewer Outfall** shall mean the portion of a pipe extending from a combined sewer regulator downstream to its outlet. This term is also used to mean the discharge of combined sewage.

**Commission** shall mean the Board of Sewer Commissioners of the Lancaster Sewer District or any agent or officer duly authorized to act in its place.

**Composite sample** shall mean a combination of individual samples of wastewater or stormwater taken at predetermined intervals to represent the integrated composition of the sample source.

**Connection** shall mean the point where a sewer or drain is joined to another sewer or drain.

**Cooling water** shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other system of heat transfer.

**Daily Maximum Limit** shall mean the highest allowable concentration for any pollutant in a waste stream.

**Decorative fountain** shall mean an indoor or outdoor fountain that is designed and constructed for aesthetic purposes and is not intended for human contact recreation or for providing drinking water.

**DEP** shall mean the Massachusetts Department of Environmental Protection or any agent or officer duly authorized to act in its place

**Dewatering drainage** shall mean groundwater or surface water which is removed from a site and discharged beyond the limits of the site by means of gravity or pumping.

**Direct Connection Permit** shall mean the permit required and issued by the MWRA for connection of a building sewer directly to an MWRA sewer line.

**Discharge** shall mean flow from a canal, conduit, sewer, drain, outfall, pump, stack, tank or treatment process, or any emission, intentional or unintentional including but not limited to flow resulting from spilling, leaking, seeping, pumping, pouring, emitting, emptying, depositing, dumping, releasing, injecting, escaping, leaching or infiltrating whether direct or indirect.

**District** shall mean the Geographical boundaries of the Lancaster Sewer District and/or the Board of Sewer Commissioners of the Lancaster Sewer District or any agent or officer duly authorized to act in its place and/or the voting body of the Lancaster Sewer District.

**Downspout** shall mean a pipe which conveys water from the roof of a building into a storm drain or into or onto the ground. Also called a roof drain or roof leader.

**Dwelling unit** shall mean a house, apartment, mobile home or trailer, group of rooms or single room occupied or intended for occupancy as a separate living quarter.

**Easement** shall mean an acquired legal right for the specific use of land owned and maintained by others.

**Effluent** shall mean wastewater or other liquid, irrespective of treatment, flowing out of a treatment facility or part thereof.

**EPA** shall mean the United States Environmental Protection Agency.

**Erosion and Sedimentation Control Plan** shall mean a plan for controlling the erosion of soil and preventing the introduction of sediment to a sewer during and after construction.

**Excessive** shall mean more than the limits established in these Regulations, directly or by reference, or more than limits determined by the Commission or the MWRA to be acceptable.

**Floatable oil** shall mean oil, fat or grease of animal or vegetable origin, or petroleum derived oil or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

**Floor drain** shall mean an intended drainage point in an otherwise impervious floor which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

**Garage** shall mean any building wherein one or more motor vehicles are serviced, kept or stored and shall include (without limitation) a public or private garage, carport, motor vehicle

repair or paint shop, service station, lubritorium, car wash, gasoline station with grease pits or wash racks, or any building used for similar purposes.

**Garbage** shall mean the animal and vegetable wastes resulting from the domestic or commercial handling, storage, sale, preparation, cooking, or dispensing of food.

**General Service Application** shall mean the form provided by the Commission and completed and submitted to the Commission by the property owner or by the owner's agent prior to construction, reconstruction, repair or modification of a connection or an appurtenance to the Commission's sanitary sewers.

**Grab sample** shall mean a sample of wastewater or stormwater taken on a one-time basis without consideration of time.

**Grease trap** shall mean a receptacle designed to collect and retain or remove grease and fatty substances from wastewater normally resulting from the commercial handling, preparation, cooking or dispensing of food. Also called a grease interceptor in the Uniform State Plumbing Code, 248 CMR 2.00.

**Groundwater** shall mean a supply of water under the earth's surface contained within or flowing through a geological formation.

**Hazardous Waste** shall mean a waste, or combination of wastes, that at the time of discharge:

- (a) Is identified as a hazardous waste by EPA pursuant to the Resource Conservation and Recovery Act, 42 USC 6901, et seq., and is listed in 40 CFR Part 261, as amended from time to time;
- (b) Has any of the hazardous waste characteristics identified by EPA in 40 CFR Part 261 as amended from time to time;
- (c) Has been identified by DEP as a hazardous waste pursuant to M.G.L. c. 21C and is listed in 310 CMR 30.000; as amended from time to time; or
- (d) Has any of the hazardous waste characteristics identified by DEP in 310 CMR 30.000, as amended from time to time.

A waste that would be a hazardous waste pursuant to the EPA or DEP criteria but for the fact that it is discharged to the sanitary sewer system shall be, for purposes of this definition, a hazardous waste unless it is in wastewater which is discharged to the sewer system pursuant to a permit issued under these Regulations and in compliance with the Commission's and the MWRA's discharge limits.

**Illegal connection** shall mean any connection to a storm drain which allows wastewater to discharge to a storm drain. Also called an illicit connection.

**Incompatible pollutant** shall mean a substance that is not amenable to removal by the receiving wastewater treatment plant or which may cause damage to the transmission or treatment facilities or adversely impact overall treatment. Incompatible pollutants include, but are not limited to, heavy metals and persistent organics.

**Individual wastewater disposal system** shall mean a privately owned septic tank, cesspool or similar self-contained receptacle or facility which collects, treats or otherwise disposes of wastewater.

**Industrial waste** shall mean any solid, liquid or gaseous waste or wastewater, resulting from an industrial or manufacturing process, or from a commercial, governmental, or institutional activity, or from the development, recovery or processing of natural resources. Industrial wastes do not include, and are distinct from, sanitary sewage, uncontaminated cooling water, non-contact cooling water and non-contact industrial process water.

**Infiltration** shall mean groundwater that enters or leaks into a sanitary sewer through such means as a defective pipe, pipe joint, connection or manhole wall.

**Inflow** shall mean precipitation or surface runoff that enters a sanitary sewer through such means as downspouts and roof leaders, foundation drains, yard drains and area drains, sump pumps, catch basins, interconnections between storm drains and sanitary sewers, and defective manhole covers and frames.

**Inspector** shall mean the Inspector of the Lancaster Sewer District or his authorized deputy, agent, or representative.

**Interconnection** shall mean a physical connection between a sanitary sewer and storm drain which allows the two separated flows to intermix.

**Licensed drain layer** shall mean a person authorized in writing by the Commission to install, maintain and repair sanitary sewers, building sewers within the Lancaster Sewer District.

**LSDC (LSD)** shall mean the Lancaster Sewer District Commission or any duly authorized office, agent or representative of the Lancaster Sewer District Commission.

**MWRA** shall mean the Massachusetts Water Resources Authority.

**MWRA General Permit** shall mean the Permit required and issued by the MWRA that authorizes certain facilities with low industrial flows and no or low levels of regulated pollutants in their industrial wastewater to discharge industrial wastewater to the MWRA's wastewater system.

**MWRA Group Permit** shall mean the Permit required and issued by the MWRA that is applicable to a specific type or types of industrial and commercial processes or discharges.

**National Categorical Pretreatment Standard** shall mean the requirements under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a publicly-owned treatment works by new or existing sewer users in specific industrial categories which are established as separate regulations under the appropriate subpart of 40 CFR Chapter I, subchapter N.

**National Pollutant Discharge Elimination System (NPDES) Exclusion** shall mean a written determination from EPA that a discharge does not require an NPDES permit.

**National Pollutant Discharge Elimination System (NPDES) General Permit** shall mean the permit issued by EPA that authorizes a class of discharges such as stormwater associated with industrial activity, non-contact cooling water, construction dewatering, and water treatment backwash.

**National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI)** shall mean the form completed and submitted to the EPA by a person seeking to include a discharge under an NPDES General Permit.

**National Pollutant Discharge Elimination System (NPDES) Permit** shall mean the permit required and issued jointly by EPA and DEP to control point source discharges of pollutants to waters of the United States or separate storm drain systems.

**National Pretreatment Standard or Pretreatment Standard** shall mean the general prohibitions and specific prohibitions of 40 CFR 403.5 (a) and (b), of the National Categorical Pretreatment Standards.

**Non-contact cooling water** shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

**Non-contact industrial process water** shall mean water used in an industrial or manufacturing process, or in the development, recovery, or processing of natural resources, that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**Oil trap** shall mean a receptacle designed to separate petroleum-based oil and grease, from water. Also called a separator in the Uniform State Plumbing Code, 248 CMR 2.00.

**Owner** shall mean a person who alone or jointly or severally with others has the legal title to any premises or has care, charge or control of any premises as agent, executor, administrator, trustee, lessee or guardian of the estate of the holder of legal title.

**Particle separator** shall mean a receptacle designed and installed to separate sand, grit and oil from water.

**Permit to Enter Commission Sewers** shall mean the permit required and issued by the Commission authorizing the entry of a person into the Commission's wastewater system.

**Person** shall mean any agency of the federal government, any agency or political subdivision of the Commonwealth, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.

**pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .

**Pollutant** shall mean any element, constituent, or property of wastewater, or of agricultural, industrial, manufacturing, or commercial process waste, or leachate, or any other substance which causes the alteration of the chemical, physical, biological, or radiological integrity of water through its introduction therein.

**Premises** shall mean a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the Commission to be a single user for purposes of receiving, using and paying for service.

**Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater system. Pretreatment shall include the reduction or alteration of pollutants by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Part 403. Dilution is not pretreatment.

**Private sewer** shall mean a sewer which is not owned by the Commission. Private sewers include, but are not limited to, building drains, building sewers, sewers, drains, manholes located on private property and not located within an easement held by the Commission, and sewers owned by municipalities and other public agencies. The connection from a private sewer to the public sewer system is also owned by the owner of the private sewer.

**Properly Shredded Garbage** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow of wastewater conditions normally prevailing in public Sewers, with no particle greater than 1/2 inch in any dimension.

**Public record** shall mean a "public record" as defined by G.L. c. 4 section 7(26).

**Public sewer** shall mean a sewer which is owned by the Commission.

**Receiving waters** shall mean any watercourse, river, pond, wetland, ditch, lake, aquifer, ocean or other body of surface water or groundwater that receives a discharge of wastewater, stormwater or effluent.

**Recreational spray** or **sprinkler pool** shall mean an indoor or outdoor spray or sprinkler pool which is designed and constructed for the purpose of human contact recreation.

**Requirements for Site Plans** shall mean the document which describes the information which must be included in site plans submitted to the Commission. A Site Plan is required by the Commission for review and approval of a proposed connection, or reconstruction, repair or modification of an existing building sewer which connects to the Commission's sewer system.

**Roof drain or roof leader** - See Downspout

**Sanitary sewage** shall mean liquid and water-carried human and domestic wastes from buildings, exclusive of ground, storm and surface water, industrial wastes, uncontaminated cooling water, and uncontaminated industrial process water.

**Sanitary sewer** shall mean a sewer designed to carry sanitary sewage and industrial wastes.

**Septage** shall mean the wastes of primarily sanitary sewage origin that are removed from a cesspool, septic tank, portable toilet or similar receptacle.

**Sewer** shall mean a pipe or conduit that carries wastewater, stormwater or surface water.

**Sewer Use Discharge Permit** shall mean the permit required and issued by the Commission to a user for the discharge of industrial wastewater to the Commission's wastewater system.

**Sludge** shall mean waste containing varying amounts of solids that is removed from water and wastewater through treatment by physical, chemical or biological processes.

**Slug** shall mean:

- (a) that portion of a discharge which contains a pollutant that is prohibited by these Regulations or contains a concentration of a pollutant at least five times above the concentration limit for that pollutant provided in these Regulations.
- (b) a discharge from a large vat, vessel, or container into the wastewater system in a manner that:
  - (i) harms or threatens to harm the wastewater system, workers, or receiving waters;
  - (ii) contains a pollutant in excess of the requirements of these Regulations;
  - (iii) causes a violation of any federal or state permit issued to the Commission; or
  - (iv) constitutes a discharge of a pollutant without an appropriate permit.

**Standard Methods** shall mean the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association (APHA), American Water Works Association (AWWA) and the Water Environment Federation (WEF).

**Storm drain, or storm sewer**, shall mean a pipe or conduit designed to carry stormwater or runoff.

**Storm drainage system** shall mean pipes, conduits, pumping stations and appurtenances, including catch basins and manholes used in the collection and transport of stormwater.

**Stormwater** shall mean any water resulting from rainfall or other precipitation that runs off surfaces during or after a storm.

**Stormwater management** shall mean regulatory, structural, administrative, managerial, maintenance, physical and chemical measures or devices that are designed to prevent the

discharge of pollutants to stormwater. Non-structural measures and low-cost structural devices are often referred to as best management practices or BMPs.

**Superintendent** shall mean the Superintendent of the Lancaster Sewer District or his authorized deputy, agent, or representative.

**Surface water** shall mean all water appearing on the earth's surface exposed to the atmosphere, such as rivers, lakes, streams, and oceans.

**Suspended solids** shall mean solids that either float on the surface or are in suspension in water, wastewater or other liquids and are removable by laboratory filtering procedures as described in Standard Methods.

**Toxic organics** shall mean organics listed as toxic in Federal or Massachusetts regulations.

**Toxic pollutant** shall mean any pollutant identified as such in Federal or Massachusetts regulations.

**Town** shall mean the Town of Lancaster or any agent or officer duly authorized to act in its place.

**Trade secret** shall mean anything tangible which constitutes, represents, evidences, or records a secret scientific, technical, merchandising, production, manufacturing, or management information, design, process, procedure, formula, invention, method, or improvement.

**Treatment system** or **pretreatment system** shall mean any and all devices, equipment, or works used in the pumping, storing, treating, recycling, and reclaiming of sewage or industrial waste.

**Unit** shall mean any single family residential dwelling. For purposes of calculating fees or betterments for business properties a unit shall be equal to 330 GPD. For purposes of calculating fees or betterments for multi-family, apartments, or mixed-use properties, each separate dwelling will be considered one (1) unit.

**Upset** shall mean an exceptional incident in which there is unintentional and temporary noncompliance with the discharge standards of these regulations, or any permit thereunder, due to factors beyond the reasonable control of the person responsible for the discharge. An upset does not include noncompliance to the extent caused by operational error, an improperly or inadequately designed treatment facility, lack of preventive maintenance, or careless or improper operation.

**User** shall mean any person discharging wastewater directly or indirectly into the Commission's sanitary sewers within the District

**Waste** shall mean wastewater and any and all other waste substances whether liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any production, manufacturing or processing operation.

**Wastewater** shall mean the spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with any groundwater and stormwater that may be present. Also referred to as sewage.

**Wastewater system** shall mean totality of the devices, equipment or works used in transportation, pumping, storage, treatment, recycling, or reclamation of wastewater or in the disposal of the effluent.

**Wastewater Treatment Facility (WWTF)** shall mean an arrangement of devices and structures for the purpose of treating and disposing of wastewater, industrial wastes, and sludge; Sometimes referred synonymously with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant”.

**Wastewater treatment process** shall mean the physical, chemical and biological operations and processes, considered individually or in combination, that are applied at a wastewater treatment plant to remove, reduce or alter the pollutant loading of wastewater.

**Watercourse** shall mean a natural or artificial channel for the passage of Water either continuously or intermittently.

## **USE OF SEWERS**

### **Public Sewers**

The use of all public sewers in the District shall be controlled by the Commission. No person shall, without prior authorization from the Commission, uncover, excavate over, block access to, make any connection with or opening into, alter, or disturb the Commission's wastewater system. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the Commission's wastewater system.

### **Private Sewers**

All private sewers that connect to the Commission's wastewater collection system shall be controlled as to discharge by the Commission, but constructed, installed, maintained, repaired, and operated by their owners, at the owner's expense. All private sewers that connect to the Commission's wastewater system shall be constructed, installed, maintained, repaired, and operated to the satisfaction of the Commission. Discharges sanitary sewers that connect to the Commission's wastewater system are also subject to MWRA WWTF regulations.

### **Repairs**

Repairs to private sewers in the District, including repairs required to comply with these Regulations, shall be made by a licensed drain layer.

### **Direct Discharge**

It shall be unlawful to discharge directly to any natural outlet within the Lancaster Sewer District or in any area under the jurisdiction of said District any wastewater or other polluted water without the applicable local, state, and federal discharge permits.

### **Requirement to Connect**

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sewer of the Town, are hereby required at their expense to install suitable toilet facilities therein, and connect such facilities directly with the proper public sewer in accordance with the provisions of these guidelines. If so ordered, said connection must be made within ninety (90) days after date of receipt of official notice from the Lancaster Board of Health acting under the Provisions of Title 5 of the State Environmental Code for the Commonwealth of Massachusetts. Said connections shall be made, without exception, unless a waiver is properly secured in accordance with Lancaster Board of Health Regulations.

### **Unavailability of Connection Point**

When a public sewer is not available under these provisions the building sewer shall be connected to a private wastewater disposal system complying with the requirements of the Board of Health and/or the Massachusetts Department of Environmental Protection.

## **Assessments**

The Sewer Commission shall determine the method of the assessment of the cost of public sewers to sewer users, provided that all provisions of the Massachusetts General Laws, as amended, have been complied with.

## **New Developments or Subdivisions**

The developer of any subdivision which is within a reasonable distance of an existing sewer shall connect the subdivision into the proper public sewer. The cost of the sewer connection to the existing sewer shall be borne by the developer. Determination by the Superintendent of what constitutes a reasonable distance shall take account of the size, nature, and location of the subdivision.

When a Developer installs sewers in new streets or rights-of-way in anticipation of the extension of an existing sewer the cost of installing sewer service connections shall be borne by the Developer.

The design of any proposed sewerage works must be approved by the Superintendent prior to issuance of permit for construction. Sewerage works construction must be inspected and approved by authorized agents of the Board and the cost for engineering inspection of the construction shall be borne by the developer or other sponsoring parties or agencies. In addition to the foregoing the developer or owner of the land shall execute for the Board a standard form of agreement for the construction of a Private Sewer System and Connection with the Common Sewers of the District.

Said form of Agreement requires that:

- A. The applicant and owner of the property shall pay all costs relating to the laying of drains, sewers and appurtenances.
- B. The applicant shall perform all work in accordance with current contract specifications of the District.
- c. Sewers shall be constructed by a licensed drain layer and shall be cleaned, flushed, and tested before connection with private sewer system to the District's sewer system. Rates of ground infiltration shall not exceed 500 gals/inch diameter/mile of pipe/24 hours.
- d. The applicant shall hold the District harmless and indemnify the District against any liability resulting from any defective materials, workmanship, or operation in connection with installation, and when working in public ways shall maintain Public Liability Insurance in an amount not less than \$100,000.00 for injuries, including wrongful death to any one person, and subject to the same limit for each person in an amount not less than \$300,000.00 on account of one accident.
- e. The applicant shall agree to pay for the privilege of connecting to private sewer system to the District's sewer system an amount in accordance with the provisions of these Rules and Regulations.

### **Permit to Enter Commission Sewers**

No person shall enter or install equipment into the Commission's wastewater collection system without first obtaining from the Commission a Permit to Enter Commission Sewers.

### **Wastewater Connections**

Connection to the Commission's wastewater system may be required by the Lancaster Board of Health. The Commission recommends that wastewater disposal facilities be connected to its wastewater system whenever the lack of such connection would endanger public health, create a public nuisance, or impair water quality or the environment. Connection to the Commission's wastewater system shall be subject to the availability of capacity in the system as determined by the Commission. Connections shall be made in compliance with all Commission rules, regulations and specifications and at the owner's expense.

### **Special Facilities**

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

### **Ownership of Building Sewers**

Building sewers, whether located on public or private property, are owned by the owner of the premises served. In the case where more than one premise is connected to the same building sewer the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair of the building sewer.

### **Maintenance of Building Sewers**

The owner of a building sewer shall at all times keep such sewers and drains clean and in good repair in order not to cause excessive infiltration, exfiltration or inflow, depletion of groundwater, damage to property, odor, or harm to the Commission's sewers.

### **Repairs and Upgrades of Building Sewers**

The owner shall maintain, repair, upgrade, modify, or replace an existing building sewer whenever it is determined by the Commission that such sewers or drains may endanger public health, create a public nuisance, result in public or private property damage, harm the Commission's sewers, result in excessive infiltration, exfiltration or inflow or impair water quality or the environment and in such other circumstances as the Commission deems appropriate. The homeowner is solely responsible for maintaining and repairing the building sewer from the inside of the foundation wall to the public sewer

# **BUILDING SEWERS, CONNECTIONS AND APPURTENANCES**

## **General**

No person(s) shall uncover (excavate), make any connections to, or opening into, use, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the public sewer or a change in the volume or character of pollutants that are being discharged into the public sewer shall notify the Superintendent and the Commission at least forty five (45) days prior to the proposed change or connection.

All costs and expenses incidental to the installation of the building sewer and connection of the building sewer to the public sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer or the private sewer.

## **Construction**

All building sewer installation, repair or maintenance work shall only be performed by a drain layer who possesses a valid Drainlayers License issued by the Commission.

## **Connection Fee**

Any property proposing a connection to a Commissions sewer which has not been previously assessed or paid a betterment for the privilege of sewer shall be subject to a connection fee as determined by the Commission and as set forth in the Schedule of Fees.

## **Application Required for Building Sewer**

(a) The owner shall complete and submit to the Commission a General Service Application prior to construction of a new building sewer, or reconstruction, repair, or modification of an existing building sewer which connects to a Commission sanitary sewer within the District.

(b) If required by the Superintendent, the application shall be supplemented by building site plans, which have been approved in advance by the Superintendent, and by such other permits, plans, specifications, and information as the Commission may require. Building site plans shall be prepared in accordance with the Commission's Requirements for Site Plans. An inspection fee shall be paid at the time the General Service Application is filed at a rate determined annually by the Commission and as set forth in the Schedule of Fees.

(c) Construction, reconstruction, repair or modification of the building sewer shall not proceed without authorization by the Commission.

## **Separate Building Sewers**

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can in any way be constructed to the rear building. In this case, the front building sewer may be extended to the rear building and the whole considered as one building sewer. Unless otherwise allowed by the Commission via special permit each building shall be allowed one building sewer exiting the building from a single location. The District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such joint

connection aforementioned

### **Existing Building Sewers**

Existing and aging (old) building sewers may be used in connection with new building sewer connections only when they are found, meet all requirements of these regulations, and upon examination and testing meet the approval by the Superintendent. If the Commission approves, existing building sewers may be used to accommodate new uses that result in changes in volumes or characteristics of wastewater. The cost of any tests required to confirm or disavow the acceptability of an existing building sewer shall be the responsibility of the building owner.

### **Gravity Discharge to Sewer**

All building sewers shall discharge by gravity to the Commission sewer. The building drain shall be brought to the building at an elevation below the basement floor. In all new or substantially rehabilitated buildings in which any building sewer is too low to permit gravity discharge, wastewater shall be lifted by an approved means and allowed to discharge by gravity (i.e., not under pressure) to the Commission sewer.

### **Wastewater-Stormwater Separation.**

The plumbing of any existing or new building shall be so constructed as to keep all stormwater, surface water, groundwater, roof and surface runoff, subsurface drainage, uncontaminated cooling water, and uncontaminated industrial process water, non-contact cooling water, and non-contact industrial process water separate from sanitary sewage and industrial wastes, and from the building sewer.

The building drain conveying wastewater from plumbing fixtures within the building shall discharge to a building sewer, while the building drain conveying stormwater and other drainage shall discharge to a building storm drain.

Connection of a building sewer to a storm drain is strictly prohibited.

The Commission shall require an owner to eliminate a source of infiltration or inflow whenever the Commission determines that the source is resulting in excessive infiltration or inflow to be discharged directly or indirectly to the sanitary sewer system.

### **Connections to Manholes**

Building sewer connections for new or substantially rehabilitated buildings shall not be made directly to Commission-owned manholes unless expressly authorized in writing by the Commission.

### **Connections from Individual Wastewater Disposal Systems**

Connection of an individual wastewater disposal system, whether directly or indirectly, to a Commission sewer is prohibited.

### **Dye Testing of Connections**

The Commission may request that the connection be dye tested by the Commission, or by the owner or his designee in the presence of a Commission inspector, to establish that the building sewer is properly connected to the Commission's wastewater system. The Commission may conduct dye testing of an existing building sewer to establish that it is properly connected to the Commission's wastewater system. The Commission may require the owner forthwith to eliminate a connection from a building sewer to a storm drain (also referred to as an illegal connection) at the owner's expense. The Commission may also require the owner forthwith to eliminate a connection from a building storm drain to a sanitary sewer at the owner's expense.

### **Backwater Valves**

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

### **Cleanouts**

Where a new building is to be constructed which is set back from the property line, or where a building sewer is required to be angled more than 45 degrees, the Commission shall require the owner to install a cleanout on the portion of the building sewer on the owner's property at the property line.

### **Floor Drains**

Floor drains shall be connected to the building sewer.

### **Oil Traps for Garages**

(a) Oil traps shall be required on sewers directly or indirectly tributary to the Commission's wastewater system from existing or new garages, service stations, enclosed parking areas, and other establishments capable of discharging petroleum-based oil or grease, flammable wastes, sand, or other harmful substances. Such devices shall not normally be required for garages associated with private dwelling units. Discharges from oil traps shall be directed to a sanitary and not to a storm drain.

(b) The determination as to whether an oil trap is required rests with the Commission and the MWRA. All oil traps shall be of a type, capacity, location and construction approved by the Commission and the MWRA and shall be located so as to be readily accessible for maintenance and inspection. The Commission shall have the right to inspect such facilities in accordance with these Regulations.

(c) Where oil traps are required, they shall be installed and maintained continuously in satisfactory and effective operation by and at the expense of the owner or user. Both the owner of the premises where an oil trap is required and the owner or operator of the establishment or business conducted on the premises shall be jointly and severally responsible for installing an oil trap acceptable to the Commission and the MWRA and for properly servicing and maintaining the oil trap.

(d) The owner or operator of the establishment or business conducted on the premises where the oil trap is located shall maintain a log describing the date and type of all service and maintenance performed in connection with the oil trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the oil trap on each date, and the method of disposal of the residue. The log entries shall be maintained for six years and shall be made available for inspection and copying by the Commission and the MWRA. The schedule for service and maintenance of an oil trap shall be subject to approval by the Commission and the MWRA.

(e) In addition to complying with these Regulations, oil traps shall conform to the regulations of the Uniform State Plumbing Code, 248 CMR 2.00, and all other applicable laws.

### **Grease Traps**

(a) Grease traps shall be required on sewers which discharge directly or indirectly to the Commission's wastewater system and into which significant amounts of animal or vegetable fat, oil or grease may be discharged so that a discharge concentration does not exceed 100 milligrams per liter. Such devices shall not normally be required for private dwelling units.

(b) The Commission will determine whether a grease trap is required. All grease traps shall be of a type, capacity, location and construction approved by the Commission and shall be located so as to be readily accessible for maintenance and inspection.

(c) Installation of a dedicated building drain and an in-line grease trap shall be required to serve all fixtures from which fat, oil or grease may be discharged whenever there is sufficient space and adequate plumbing to incorporate the appropriate facilities as determined by the Commission. Point of use grease traps may be required instead of or in addition to, an in-line grease trap for discharges from dish washer rinse sinks, pot sinks, floor sinks and drains, automatic hood washes, soup and tilt kettles, wok drains, and any other fixture which may introduce fat, oil or grease to the sewer as determined by the Commission.

(d) Where grease traps are required, they shall be installed, inspected at least once each month, and maintained continuously in satisfactory and effective operation and in accordance with the Commission's Guidelines for the Installation, Operation and Maintenance of Grease Traps, the requirements of the Uniform State Plumbing Code, and the State Environmental Code, Title V, all by and at the expense of the owner and user. Both the owner of the premises where a grease trap is required and the owner or operator of the establishment or business conducted on the premises, shall be jointly and severally responsible for installing a grease trap acceptable to the Commission and for properly servicing and maintaining the grease trap. The Commission shall have the right to inspect such facilities in accordance with these Regulations.

(e) The owner or operator of the establishment or business conducted on the premises where the grease trap is located shall maintain a log provided by the Commission which describes the date and type of all inspections and cleaning of the grease trap, service and maintenance performed in connection with the grease trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the grease trap on each date, and the method of disposal of the residue. The log shall be made available to the Commission upon request for inspection and copying.

(f) Unless otherwise required by a schedule established by the Commission, owners or operators shall clean grease traps once a month or whenever one quarter of the liquid depth of

the trap consists of grease or oil, whichever occurs first. Grease traps shall be cleaned by physically removing accumulated grease, scum, oil or other floating substances and solids.

(g) Chemical, biological, or physical means (including flushing with water) shall not be used to release fats, wax, oil or grease into the sewer, bypass the trap, or otherwise make the trap operate less effectively. Subject to the Commission's prior written approval, a chemical or biological agent may be added to convert the fats, wax, oil, and grease in a trap to a substance not prohibited by these Regulations, if the resulting discharge from the trap will not cause or contribute to an obstruction or blockage in the sewer or otherwise violate these regulations. Unless so converted, the fats, wax, oil, and grease contents of a grease trap shall not be discharged to the sewer system.

(h) If the Commission determines there is insufficient space available to install a grease trap, or the facility's plumbing cannot accommodate a grease trap, or if the Commission determines that an existing or proposed grease trap installation, despite being designed according to the Commission's Guideline for the Installation, Operation and Maintenance of Grease Traps, cannot meet the discharge concentration limitation of 100 milligrams per liter, the Commission may require the owner to implement other measures to ensure compliance with the discharge limitation. Required measures may include but are not limited to, modifying the type, capacity, location and construction of the grease trap, adding a Commission approved chemical or biological agent to convert the fats, wax, oil, and grease to a substance not prohibited by these Regulations, more frequent cleaning of the grease trap, and physical containment and removal of fats, wax, oil and grease for disposal offsite.

# **SEWER EXTENSIONS**

## **General**

Any person may propose an extension, replacement or relocation of a Commission sewer. Every person who proposes to extend, replace or relocate a Commission sewer shall prepare and submit for review and approval by the Commission a construction plan, supplemented by such other permits, plans, specifications, and information the Commission deems necessary to determine whether to approve the request. Extension, replacement or relocation of a Commission sewer shall not commence without the Commission's prior written approval. Every extension, replacement or relocation of a Commission sewer shall be designed and constructed in accordance with the Commission's design requirements, specifications and standard details. Any tests, studies, investigations and inspections required for design and construction shall be conducted in accordance with the Commission's requirements. All expenses incurred pursuant to the extension, replacement or relocation of a Commission sewer including but not limited to application, engineering, legal, permitting, construction and inspection costs, shall be borne by the applicant. These Regulations shall accordingly be construed to conform with such MWRA, DEP, or other sewer extension regulations as they now exist or may be amended .

## **Construction**

All sewer extensions, installations, repairs or maintenance work shall only be performed by a Contractor who possesses a valid Sewer Utilities License issued by the Commission.

## **Connection and Extension Permits Required**

No person shall connect to a Commission sewer or construct a sewer extension which ultimately connects to a Commission sewer without the appropriate Sewer Connection or Extension Permit approved by the Commission and issued by the DEP and the Commission. Said permit to DEP must have prior commission approval before submission and must have commission listed as co-applicant. Submission of Permit to DEP with Commission approval shall by no means be construed as Commission final approval to extend sewer.

## **Bonding Requirements for Sewer Extensions**

Before extending, replacing or relocating a public sewer the contractor shall be approved in writing by the Commission and post a bond with the Commission in an amount and form as determined by the commissioners and as set forth in the schedule of fees attached hereto.

## **Fee Requirements for Sewer Extensions**

Any proposal for a new extension will be required to pay a sewer extension fee as determined by the commissioners and as set forth in the schedule of fees attached hereto.

## **Urban Sprawl**

Any proposed sewer extension shall not cause Urban Sprawl, as set forth in the Executive order 385. Said proposal must show that Urban Sprawl shall be minimized to the satisfaction of the Commission.

**Commission Denial or Modification of Proposal**

The Commission may deny a request to extend, replace or relocate a public sewer, if the Commission determines that the proposed construction is incompatible with the Commission's or MWRA's sewer systems, the Commission's design requirements, or these Regulations. The Commission may condition its approval of a request to extend, replace or relocate a public sewer. Such conditions may include, but are not limited to, the requirement to install a pipe larger than the size required to serve the applicant.

**Release Agreement**

After constructing a Commission approved public sewer extension, replacement or relocation, the owner shall transfer ownership of the sewer to the Commission through a Release Agreement in a form prescribed by the Commission. The Release Agreement shall be accompanied with as-built plans for the extended, replaced or relocated sewer and any other information required by the Commission. Until such time as the Release Agreement is signed by the Commission, the extended, replaced or relocated sewer shall be considered to be privately owned by the applicant and shall be subject to the requirements pertaining to private sewers contained in these Regulations.

## **CONNECTIONS DURING MORATORIUM**

### **General**

During any period in which a moratorium or other restriction is imposed on the District by any statute, regulation or order of lawful authority restricting or otherwise limiting the issuance of new sewer connections or extensions, the Commission shall withhold the issuance of permits or the approval of sewer extensions until the applicant either

- (a) demonstrates that the permit or extension is exempt from the terms of the moratorium
- (b) obtains approval from the agency or authority with appropriate jurisdiction to grant relief born the moratorium
- (c) arranges with the Commission for the allocation of any available sewage capacity then available to the District.

### **Removal of Infiltration/Inflow**

As a requirement of the issuance of new sewer connection or extensions, the Commission may withhold the issuance of permits or the approval of sewer extensions until the applicant removes Infiltration and Inflow from the Districts system at a rate of 3 to 1 (i.e. – for every proposed Cubic Foot of discharge 3 Cubic Feet of infiltration and inflow must be removed). The balance of said I/I removal to be transferred to the District as capacity free of charge.

### **Establishment of Sewer Bank**

Pursuant to Infiltration/ Inflow Removal Programs approved and administered by the Massachusetts Department of Environmental Protection, the District may, during the duration of any moratorium, arrange for the establishment and maintenance of a Sewer Bank for the purpose of obtaining, accumulating and dispensing credits for new sewage capacity within the District.

### **Issuance of Permits**

Permits for new connections may be issued from the Sewer Bank by the Commission. Permits issued from the Sewer Bank shall require Board approval. Factors to be considered shall include but not be limited to:

- (a) whether the connection will abate or reduce an existing or potential public health hazard.
- (b) whether the grant of the permit will provide special benefit to the District or intended users of the facilities to be served (e.g. Municipal, educational uses).
- (c) the financial ability of the applicant to secure required capacity
- (d) whether the requested allocation will reduce the capacity of the Sewer Bank below the levels deemed necessary to be held as reserve.
- (e) whether the grant of the permit will promote the health, welfare and benefit of the District.

### **Transfer and Use**

Any transfer or use of sewer credits or capacity, by permit or otherwise, for use in the District must be approved by the Commission. Credits issued are not transferable among properties and are for use on the property that the credits were issued to exclusively. Any change in the use of issued credits must be reported and approved by the Commission.

**Required Testing for Existing Buildings**

Before the issuance of permits for new connections to existing buildings during any period in which a moratorium or other restriction is imposed on the District by any statute, regulation or order of lawful authority restricting or otherwise limiting the issuance of new sewer connections or extensions, the applicant must demonstrate the condition of the existing septic system for the building by means of a certified Title 5 inspection or by some other approved means recognized by the Commission.

**Permit Fees**

In addition to applicable fees or charges otherwise required by these regulations, applicants for permits to be issued from the Sewer Bank shall pay fees to be established by the Board for the withdrawal and allocation of sewer capacity from the Sewer Bank. Sewer Bank fees shall be charged on a per-gallon basis and then collected shall be used to defray and otherwise reimburse costs incurred by the District for the administration of the District I/I Removal Programs.

# MATERIALS AND METHODS OF CONSTRUCTION

## Requirements for Design and Construction of Facilities

**Design and Construction Standards.** New building sewers, other private sewers, grease traps, oil traps, particle separators, and other appurtenances shall be designed and constructed in conformance with current Commission standards and specifications. In the absence of such specifications or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials, the WEF Manual of Practice No. 9, Design and Construction of Urban Stormwater Management Systems and Gravity Sanitary Sewer Design and Construction, New England Interstate Water Pollution Control Commission Guides for the Design of Wastewater Treatment Works, Title V of the State Environmental Code and the Uniform State Plumbing Code, 248 CMR 2.00 shall apply.

**Length of Building Sewer.** Building sewers shall be constructed to be of a length of no longer than 300 feet unless expressly authorized by the Superintendent.

**Construction in Easements.** Excavation in, or construction of any building or structure in a Commission easement is prohibited without prior written authorization from the Superintendent.

**Bonding Requirements.** The Commission shall have the right to require that any person proposing to construct, repair or modify a building drain, building sewer, other private sewer, grease trap, oil trap, and other wastewater facility tributary to the Commission's wastewater system post a bond in a form satisfactory to the Commission and in an amount and for a period of time that the Commission deems sufficient to guarantee construction quality and operating performance. Said bond to be as determined by the commissioners and as set forth in the schedule of fees attached hereto.

**Right to Inspect During Construction.** The Commission shall have the right to inspect building drains, building sewers, and other private sewers, grease traps, oil traps, particle separators and other facilities tributary to the Commission's wastewater system, at any reasonable time while such construction is underway. The owner shall notify the Commission when such facility is installed and ready for final inspection and before the facility is connected to the Commission's wastewater system. Connection to the Commission's wastewater system shall be made in the presence of a Commission inspector. No facility shall be covered over until approval has been given by the Commission inspector. The cost for final inspection by the Commission shall be borne by the owner of the facilities installed.

**Inflow and Infiltration.** Every newly constructed, replaced or extended building sewer that discharges directly or indirectly to the Commission's wastewater system shall be designed, constructed and maintained so as to minimize all inflow and infiltration into the Commission's

sanitary sewer system. The Commission may require an owner to determine and eliminate the source of the infiltration or inflow to an existing building sewer at the owner's expense.

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

**Distance from Water Services.** Building sewer connections shall be laid at least 10 feet apart from any new or existing water service connection.

**Erosion and Sedimentation Control.** Every person seeking to construct, repair, or modify a building sewer, or a connection to the Commission's wastewater system may be required by the Commission to prepare and implement an Erosion and Sedimentation Control Plan to prevent the introduction of sediments into the Commission's sewers. The design of any facilities required pursuant to this section shall be subject to the approval of the Commission and the design, installation and maintenance of such facilities shall be at the facility owner's expense. The Commission shall have the right to inspect such facilities in accordance with these Regulations.

**Termination of Service.** Every person seeking to demolish an existing building with a connection to a Commission sewer shall submit a written notification from the Town building inspector to the Commission. Prior to demolition of any building, the owner shall cut and cap all building sewers at the connection to the sewer, and have the Commission inspect all building sewers to ensure that they are properly cut and capped prior to backfilling.

#### **Expenses Borne by the Owner**

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

#### **Methods**

The slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe jointing, testing and back filling the trench shall conform to the requirements of the Sewer Commission and the building and plumbing code or other applicable rules and regulations of the Town. In the absence or code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of

the American Society of Testing Materials (ASTM), the water Environment Federation (WEF) formerly Water Pollution Control Federation CV,PCF) Manual of Practice No. 7 “Operation and Maintenance of Wastewater collection systems,” WPCF Manual of Practice No. FD 5 and the American Society of Civil Engineers (ASCE) Manuals and Reports in Engineering Practice No. 60 “gravity Sanitary Sewer Design and Construction” and WPCF Manual of Practice No. FII 4 “Design of Wastewater and Stormwater Pumping Stations” shall apply.

The connection of the building sewer to the public sewer shall conform to the requirements of the Sewer Commission and the building and plumbing code and other applicable rules and regulations of the Town, or to procedures set forth in appropriate specifications of the ASTM, the WPCF Manual of Practice No. 7, the WPCF Manual of practice No. FD 5 and the ASCE Manuals and Reports - on Engineering Practice No. 6 and WPCF Manual of Practice No. FD 4 if no applicable local standard has been adopted.

### **Elevation of Connection**

Whenever possible, the building sewer shall be connected to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the wastewater carried by such building drain shall be pumped by an approved means and discharged to the building sewer or public sewer. Shop drawings and design calculations of proposed pumping equipment must be submitted to the Superintendent for approval.

Tunneling will not be allowed unless special permission for same is granted.

Upon connection of the building plumbing system to the common sewers, existing cesspools shall be removed or completely filled with suitable material, to the satisfaction of the Superintendent.

All connections shall be gastight and watertight

Installation and use of any grinder pump unit shall be the express approval of the Superintendent and installed and operated at the owners expense and shall be maintained by him so as to be safe and accessible.

Any proposed deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. Non approved materials or installations will be required to be removed at the expense of the applicant.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection, testing, and connection to flit public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative, and no backfilling is allowed until all appropriate inspections are made. If the pipe trench is backfilled before required inspection occurs, theft the pipe shall be exposed for inspection.

Any Drainlayer or Permit Holder violating any provision of these Regulations shall incur the penalty as stipulated in these regulations.

### **Work In Public And Private Ways**

All excavations and obstructions shall be adequately barricaded and lighted at all times to protect the public from harm.

When making a sewer connection in a Town road, the necessary permits from the Town must be obtained prior to the issuance of a sewer connection permit. All work shall be done in accordance with the requirements set forth in the permit issued by the Town. Any cost in connection therewith shall be borne by the applicant.

When making a sewer connection in a State Highway, the necessary permits from the Massachusetts Department of Public Works must be obtained prior to the issuance of a sewer connection permit. All work shall be done in accordance with the requirements set forth in the permit issued by the Massachusetts department of Public Works. Any cost in connection therewith shall be borne by the applicant.

Trenches shall be backfilled from the washed gravel to within 14 inches of the road surface with selected materials from the excavation. Gravel borrow shall then be placed flush with the existing surface and the entire trench within the right-of-way, and shall then be compacted by Jetting with jet pipes at least 5 feet in length. Where jetting is not feasible, compaction shall occur in 12 inch lifts. Settled portions shall be tilled with additional gravel borrow as required to accommodate the temporary bituminous patch if required.

The temporary bituminous patch in all public ways and paved private ways shall be maintained by the contractor for a period of 3 months, when he shall remove the temporary patch and place a permanent patch of Type I bituminous concrete in two layers to a total depth of 2 1/2 inches. The edges of the patch shall be sealed with approved bitumen. All patchwork shall be rolled and spread in accordance with the best practices. Failure in the temporary patch shall be restored within 8 hours of notification to do so.

The permit holder shall restore the permanent road surface within 14 days following notification to do so. Failing to comply, the board shall have the work accomplished, and the permit holder, shall be liable for all debts incurred.

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

### **Rock Excavation**

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

Blasting shall be done in accordance with the requirements of the Massachusetts Department of Public Safety and such other requirements as imposed by the Lancaster Fire chief.

All blasting must be done by a person licensed by the Department of Public Safety for this purpose. Blasting operations shall be conducted only by persons who have posted a bond with the Treasurer of the Commonwealth of Massachusetts or who have posted a bond with the Lancaster Town Clerk in accordance with the General Laws, Chapter 148, Section 19.

## **DRAINLAYERS**

**Licensed Drainlayers.** All building sewer installation, repair or maintenance work shall be performed by a drain layer who possesses a valid Drainlayers License issued by the Commission. A Drainlayer's bond, using the Commission's standard bond form, as then in effect, must be submitted to the Commission in advance of installation, repair or maintenance.

**Issuance of License.** Licenses to install building sewers and make connections to the common sewer will be issued to experienced and competent contractors. An initial fee as determined by the commissioners must accompany all applications for licenses. Licenses must be renewed for each calendar year. Drainlayers doing work hereunder shall maintain minimum insurance coverage as determined by the commissioners and as set forth in the attached schedule of fees and shall file a certificate of same with the Board.

**Bonds and Insurance.** Drainlayers shall post a bond in an amount as determined by the commissioners and as set forth in the attached schedule of fees to assure the satisfactory completion of work. Bond shall remain in full effect for a period of one year after satisfactory completion of the most recent work performed by the Drainlayer. The drainlayer shall repair without cost to the property owner or District any defects in the work of parts of the work furnished or built by hem and any damage due to faulty workmanship on his part or due to faulty or imperfect material or equipment furnished by him, which defects or damage may appear within one year from the date of completion of the work.

**Violations to be Reported.** All licensed drain layers are required to give a full written report to the Commission within 24 hours if, in the course of performing their work,

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

Violation of the requirements of these Rules and Regulations shall be cause for revocation of license.

## SEWER UTILITY CONTRACTOR

**Licensed Sewer Utility Contractor.** All sewer extensions, installations, repairs or maintenance work shall only be performed by a Contractor who possesses a valid Sewer Utilities License issued by the Commission. A bond, using the Commission's standard bond form, as then in effect, must be submitted to the Commission in advance of installation, repair or maintenance.

**Issuance of License.** Licenses to install sewers and make connections to the common sewer will be issued to experienced and competent contractors. An initial fee as determined by the commissioners must accompany all applications for licenses. Licenses will remain in effect for a period of 2 years after issuance. Contractors doing work hereunder shall maintain minimum insurance coverage as determined by the commissioners and as set forth in the attached schedule of fees and shall file a certificate of same with the Board.

**Bonds and Insurance.** Contractors shall post a bond in an amount as determined by the commissioners and as set forth in the attached schedule of fees to assure the satisfactory completion of work. Bond shall remain in full effect for a period of one year after satisfactory completion of the most recent work performed by the Contractor. The Contractor shall repair without cost to the District any defects in the work of parts of the work furnished or built by him and any damage due to faulty workmanship on his part or due to faulty or imperfect material or equipment furnished by him, which defects or damage may appear within one year from the date of completion of the work.

**Violations to be Reported.** All licensed Sewer Utility Contractors are required to give a full written report to the Commission within 24 hours if, in the course of performing their work,

- (d) prohibited substances are found in an existing commission sewer, building sewer or plumbing is found that would allow discharges of such substances to a building sewer.
- (e) interconnections or illegal connections are observed.
- (f) a defect or deterioration of the existing commission sewer or building sewer is observed.

Failure to provide such reports may lead to license suspension or in the case of repeated violations, to license revocation.

Violation of the requirements of these Rules and Regulations shall be cause for revocation of license.

# **DISCHARGE REQUIREMENTS, PROHIBITIONS AND RESTRICTIONS**

## **Compliance with Discharge Limits**

Every user who directly or indirectly discharges wastewater to the Commission's wastewater system shall comply with the strictest of the following discharge limits applicable to the discharge: the National Pretreatment Standards, NPDES Permit conditions, state limits, MWRA local or permit limits, limits contained in these Regulations, and limits in a permit or order issued under these Regulations. If a National Categorical Pretreatment Standard includes a limit in addition to a daily maximum limit (e.g., 30 day, monthly, weekly, four day, loading, or production-based limit), that limit must also be met.

## **Dilution Prohibited**

No user shall achieve, or attempt to achieve, compliance with these Regulations by diluting a discharge instead of using proper pretreatment. The increased use of process water in place of proper treatment shall be considered dilution and is prohibited by these Regulations.

## **Monitoring Facility Requirements**

(a) When required by the Commission or the MWRA, a user shall install suitable control or measuring devices together with manholes, chambers, meters, and other appurtenances in its building sewer(s), to facilitate discharge observation, monitoring, sampling and measurement.

(b) Such manholes, chambers or meters shall be safely accessible and shall be located and constructed in accordance with site plans approved by the Commission and the MWRA, shall be installed by and at the expense of the owner, and shall be maintained by the owner in good operating condition at all times.

(c) All meters and other measuring devices shall be approved by the Commission prior to installation and use. All meters and measuring devices shall be calibrated by the owner so as to ensure accurate measurement. The facilities shall be constructed in accordance with all applicable construction standards. Construction shall be completed in compliance with a time schedule established by the Commission and the MWRA.

(d) All records from meters, measuring devices and samplers shall be kept for at least five years and furnished to the Commission and the MWRA upon request. During construction and after installation, the Commission shall have the right to inspect the facilities in accordance with these regulations.

## **Sampling and Analysis**

(a) All measurements, tests and analyses of the characteristics of water and wastes required to conform with these Regulations shall be performed in accordance with the most recent edition of Standard Methods, unless otherwise authorized or required by the Commission, MWRA, EPA or DEP.

(b) Sample analysis required by these Regulations or any permit issued thereunder shall be performed by an independent laboratory currently certified by the DEP for the parameters being analyzed. The use of a laboratory with provisional DEP certification is prohibited.

(c) Samples analyzed shall be collected at locations designated by the Commission or the MWRA and by methods acceptable to, and at a frequency determined by the Commission and

the MWRA. The Commission or the MWRA will stipulate whether a composite or grab sample(s) should be taken and whether composite samples will be time or flow weighted.

(d) The Commission or the MWRA may require a permittee to submit a complete data package, including chain of custody records, raw data, and quality assurance/quality control related results, with a report required by the Commission or the MWRA. The Commission may require that discharge monitoring reports be submitted on paper copy, computer diskette, or by electronic means.

### **Compliance Measurement Location**

All limitations imposed by these Regulations shall be applied at the end of the pretreatment process line, or at the end of the process line if there is no pretreatment. The owner or user shall not introduce a pollutant into a waste stream after the compliance measurement location.

### **Notification of Changed Discharge**

Every user who directly or indirectly discharges waters or waste to the Commission's wastewater system shall notify the Commission in writing in advance of (a) any substantial change in the volume or character of pollutants in the discharge; and (b) any change in the location of the discharge to a different sewer connection.

### **Notification of Violations**

(a) Users shall notify the Superintendent by telephone immediately upon discharging water or wastes in violation of these Regulations or their permits and of any upset, slug load, or spill that may reasonably be expected to discharge to the wastewater system.

(b) Each notification shall be followed within 15 days of the date of occurrence by a detailed written statement addressed to the Superintendent describing the causes of the discharge and the measures being taken to prevent a recurrence. Such notification will not relieve users of liability for any expense, loss or damage to the Commission wastewater system, to the MWRA WWTF, or for any fines imposed on the Commission due to such discharge.

(c) In the case where a discharge to the wastewater system violates these Regulations or a permit, the user shall also notify the Director of the MWRA's Sewerage Division immediately, by telephone. Such notification shall be followed within 15 days of the date of occurrence by a detailed written statement delivered to the MWRA.

### **Preventive Measures**

Each user shall provide reasonable and appropriate protection from any discharge, including accidental discharges, in violation of these Regulations.

### **Confidentiality of Data and Documents**

(a) All information and data regarding any user, whether obtained from reports, questionnaires, permit applications, permits, monitoring programs, or inspections, may be made available upon request to other governmental agencies and to the public without restriction unless the user makes a specific written request for a more limited distribution, the records requested are specifically excluded from the definition of a "public record" pursuant to G.L. c.4, section 7(26), or the record is specifically or by necessary implication exempted from disclosure by law.

(b) Distribution will be limited only if the user demonstrates to the Commission's satisfaction that the release or communication of such information would divulge methods or processes entitled to protection as trade secrets or would violate any applicable provisions of law.

### **Processing Requests for Disclosure of Public Records**

The Commission shall allow any person, under the supervision of Commission personnel, to inspect any public record regarding a user governed by these Regulations which is in the custody of the Commission and not exempted as described in Section 9. The Commission may require each person requesting records to pay for copies of the records or to pay the expense of the search for the public records.

### **Discharge Prohibitions And Restrictions**

**General Prohibitions.** No persons shall discharge or cause or allow to be discharged into a Commission sewer, any substances, waters or wastes that the Commission or the MWRA has identified as likely, either singly or by interaction with other substances, to:

- (a) harm or interfere with any wastewater system, wastewater treatment facility, or wastewater treatment process;
- (b) pass through, interfere with or be otherwise incompatible with the wastewater treatment process or sludge disposal;
- (c) cause or result in blockage of flow;
- (d) cause a violation of Federal or State law or any discharge permits issued to either the Commission or the MWRA;
- (e) cause a violation of water quality standards or otherwise adversely affect the receiving waters;
- (f) endanger or threaten to endanger life, limb, health, or welfare of any person(s), or the public health, safety, welfare, or the environment, or property; or
- (g) constitute a nuisance.

**Prohibited Wastes or Substances.** No person shall discharge or cause or allow to be discharged directly or indirectly into a Commission sanitary sewer any of the following:

- (a) Fuel oil, crude oil, lubricating oil, or any other oils or greases of hydrocarbon or petroleum origin in excess of 15 milligrams per liter.
- (b) Any wastewater discharge from any building or facility served by a private water supply without having first obtained written authorization from the Commission.
- (c) Swimming pool water unless there is no reasonable alternative as determined by the Commission and MWRA and upon written approval by the Commission and the MWRA.
- (d) Any liquid, solid, or gas including but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides and methyl ethyl ketone, which by reason of its nature or quantity is or may be sufficient, either alone or by interaction with other substances, to create a fire or explosion hazard or to be otherwise injurious to the sewerage system, or to receiving waters, including:

- (i) Wastewater with a closed cup flashpoint of less than 140 F (60 C) using the test methods specified in 40 CFR 261.21, and measured at the point of indirect discharge to the Commission's or the MWRA's sewerage system, or at such other place as the Commission or the MWRA determines; or

(ii) any pollutant which causes an exceedance of 10 percent of the lower explosive limit as measured by an explosimeter at the point of discharge to the sewer or at any point within the sewer.

(e) Solids or viscous substances (such as, but not limited to, sand, mud, metal, glass, wood, paper, plastics, rags, rubber, latex, and lime or other slurries, garbage, bones, hair, human parts, hides or fleshings, animal guts or tissues, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass clippings, spent grains, spent hops, tar, asphalt residues, residues from refining or processing fuel or lubricating oil, grease, or glass grinding or polishing wastes) in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Commission's wastewater system.

(f) Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or of preventing safe entry into sewers for purposes of inspection, maintenance or repair.

(g) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

(h) Any Slug.

(i) Sludges or deposited solids resulting from an industrial or pretreatment process.

(j) Substances causing noticeable discoloration or turbidity.

(k) Liquids or vapors having a temperature higher than 150 degrees Fahrenheit (F) or 65 degrees Celsius (C), unless an alternative temperature limit is approved in writing by the Commission and the MWRA.

(l) Any garbage containing particles larger than one-half inch (1.27 centimeters) in any dimension or particles which will not be carried freely in the wastewater system.

(m) Waters or wastes having pH lower than 5.5 or higher than 10.5, or having any other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, people or the collection system. Excursions from these limits are permitted for facilities that continuously monitor pH, subject to limitations established by the MWRA in its Sewer Use Regulations 360, CMR 10.000.

(n) Mercury, polychlorinated biphenyls (PCBs), phenanthrene or pesticides, including but not limited to, dieldrin, chlordane, 1,1,1-Trichloro-2,2- bis(p-chlorophenyl)-ethane (4-4 DDT), demeton, endosulfan I, endosulfan II, endrin, guthion, heptachlor, malathion, methoxychlor, mirex, parathion, acrolein, aldrin, TDE, DDE, Hexachlorocyclohexane, lindane, benzene-cis-hexachloride and benzene-trans-hexachloride (BHC), hexachlorocyclopentadiene and toxaphene.

(o) Waters or wastes containing amounts of metal or other materials in excess of the following limits as contained in Federal, State, or MWRA regulations:

**MATERIAL DAILY AVERAGE LIMIT**

milligrams per liter (mg/l)

Antimony (total) 10.0

Arsenic III (total) 0.5

Boron (total) 20.0

Cadmium (total) 0.1

Chromium (VI) (Hexavalent) 0.5

Copper (total) 1.5

Cyanide (total) 0.5

Lead (total) 0.2  
Nickel (total) 1.0  
Selenium (total) 5.0  
Silver (total) 2.0  
Zinc (total) 1.0  
Total Chromium 1.0  
Chlorinated Naphthalenes 0.8  
Fluoranthene 1.5  
Hexachlorobutadiene 3.0  
Pentachlorophenol 0.05  
Phenol 5.0  
Phenolic Compounds -the following hydroxy derivatives of benzene:  
2-chlorophenol;  
2,4-dichlorophenol;  
2,4-dimethylphenol;  
4,6-dinitro-o-cresol;  
2,4-dinitrophenol;  
2-nitrophenol;  
4-nitrophenol;  
p-chloro-m-cresol; and  
2,4,6-trichlorophenol 0.5  
Toxic Organic - each Toxic Organic not limited elsewhere in these Regulations 1.0  
Total Toxic Organics 5.0  
Trichloroethylene 0.07

(p) Waters or wastes containing amounts of toxic or objectionable metals and nonmetals in excess of limits contained in Federal, State or MWRA regulations or in a Sewer Use Discharge Permit.

(q) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by Federal, State or MWRA regulations.

(r) Total suspended solids or dissolved solids of a type or concentration which would inhibit flow in the collection system.

(s) Materials which exert a biochemical oxygen demand in excess of 400 milligrams per liter or a chemical oxygen demand in excess of 1,000 milligrams per liter or a chlorine demand in excess of limits established by the MWRA.

(t) Waters or wastes containing fats, wax, grease, or oils of vegetable or animal origin in excess of 100 milligrams per liter or containing other substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 to 65 degrees Celsius). Waters or wastes containing such substances (excluding normal household waste) shall exclude all visible floatable oils fats and greases. The use of chemical, biological or physical means (such as temperature variation, solvents, enzymes, emulsifying agents, mechanical mixers) to bypass or release fats, waxes, oils or greases into the wastewater system is prohibited. Subject to the written approval of the Commission, a chemical or biological agent may be added to convert the fats, wax, oil, and grease in a trap to a substance not regulated by these Regulations, if the resulting discharge from the trap will not cause or contribute to an

obstruction or blockage in the sewer or otherwise violate these regulations. Unless so converted, the fats, wax, oil, and grease contents of a grease trap shall not be discharged to the sewer system. If the discharge concentration for any fats, oils or grease exceeds 100 milligrams per liter after treatment, the Commission may, in its discretion increase the discharge concentration limit on a case by case basis and apply a monetary charge for the increase.

(u) Any substances containing pathogenic organisms in such quantities as determined by local, state or federal law as hazardous to the public health or the environment, including but not limited to biological waste, hospital or medical wastes, and related used equipment and supplies.

(v) Hazardous waste or wastewater which has come in contact with hazardous waste.

(w) Waste or wastewater discharged through a bypass, unless such discharge through the bypass was approved in writing advance by the Commission and the MWRA, or the discharge through the bypass is allowed by 40 CFR 403.17 and the person using the bypass has provided the required notices to the Commission and the MWRA in a timely manner.

(x) Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the Commission or the MWRA, any filter backwash that is not treated to meet the limits and prohibitions established by the Commission or the MWRA, or any filter backwash which causes or contributes to a violation of these Regulations.

(y) Any trucked or hauled pollutants.

(z) Any water or wastewater, not otherwise governed by these Regulations, containing pollutants at levels which may adversely affect the MWRA's ability to process or dispose of its wastewater residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.

### **Prohibited Discharges into Sanitary Sewers**

(a) No person shall directly or indirectly discharge or cause or allow to be discharged into any Commission sanitary sewer or any sanitary sewer tributary thereto.

(b) No person shall discharge or cause or allow to be discharged directly or indirectly into a Commission sanitary sewer or into a sanitary sewer tributary thereto any groundwater, dewatering drainage, subsurface drainage, tidewater, accumulated surface water, non-contact cooling water, non-contact industrial process waters, uncontaminated contact cooling water and uncontaminated industrial process water, or waters associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank or dewatering of a manhole, except as provided in Section 4. (a)(i) below.

### **Disposal of Septage Prohibited**

No person shall discharge or cause or allow to be discharged any septage into a Commission sanitary sewer.

### **Industrial Discharges**

**Compliance with MWRA Regulations.** The intent of these Regulations is to comply with the MWRA regulations governing dischargers of industrial wastes. These Regulations shall accordingly be construed to conform with such MWRA regulations as they now exist or may be amended.

**Prohibited Discharges.** No industrial user shall discharge or cause or allowed to be discharged into any Commission sewer or into any sewer tributary thereto any prohibited or restricted wastes identified in these regulations.

**Discharge Permits.**

(a) No user shall discharge industrial wastes, directly or indirectly, into the Commission's sewer system without first obtaining a Sewer Use Discharge Permit, an MWRA Group Permit or an MWRA General Permit authorizing the discharge or unless such discharge is exempted by these Regulations. The determination as to whether a discharge constitutes an industrial discharge and that coverage under a Sewer Use Discharge Permit, MWRA Group Permit or an MWRA General Permit is required rests with the Commission and the MWRA. Every user proposing a new or modified discharge of industrial wastes shall obtain such a permit and shall file a Industrial Service Application with the Commission prior to constructing a building sewer to convey such wastes.

(b) A permittee shall provide at least 30 days advance written notification to the Commission before taking any action which may substantially change the volume or nature of its discharge, including a substantial change in the volume or character of pollutants in its discharge, from any compliance measurement location, or from any sewer connection. Such actions may include, but not be limited to, the following:

- (i) substantial expansion or contraction of the facility from which the discharge originates;
- (ii) substantial increase or decrease in production;
- (iii) modification of any process;
- (iv) alteration of the pretreatment system or the operation of the pretreatment system; or
- (v) discharge from a different or relocated sewer connection.

(c) The Commission and the MWRA will review the information provided in the written notification of modification and will inform the permittee if the proposed change requires submission of a new permit application. The permittee shall file a new permit application if required by the Commission or the MWRA, and obtain a modified permit before taking the action described in the notice. If a new permit is not required, the permittee may take the action described in the notice, provided that the action does not violate these Regulations or the permit.

(d) If an industrial user discharges types, amounts or rates of pollutants in violation of these Regulations or its permit, the Commission may revoke its permit in accordance with the ENFORCEMENT section of these Regulations. If changes in the industrial process have improved the characteristics and/or volume of its discharge, an industrial user may apply to the Commission and the MWRA for modification of its discharge permit.

(e) When required by its permit, an industrial user shall submit to the Commission and the MWRA at a designated frequency and in a form acceptable to the Commission and the MWRA a duly signed discharge report containing all information requested by the Commission or the MWRA. Any additional information requested from time to time by the Commission or the MWRA shall also be furnished.

(f) The Commission and the MWRA may use the information provided in permit applications, permits and discharge reports as a basis for determining user charges.

(g) A permit shall not be assigned or transferred without prior written approval of the Commission and the MWRA. After approval of a permit assignment or transfer, the permittee shall provide a copy of the permit to the assignee or transferee.

**No Permit Required.** Unless otherwise required under these Regulations industrial discharges from the following establishments shall not require a Sewer Use Discharge, an MWRA Group or an MWRA General permit:

- (a) Restaurants, cafeterias, and other food preparation facilities that primarily prepare meals and snacks for consumption on their premises or for take-out.
- (b) Supermarkets, groceries, and other facilities that are primarily retail purveyors of food.
- (c) Coin operated laundromats; laundries that do not wash any of the following: industrial and commercial uniforms, wipers, mats, or mops; hospital or commercial linens; diapers; or carpets. Dry cleaners do not require a permit, but may not discharge cleaning solvents (e.g. perchloroethylene), including solvents in their cooling water discharge.
- (d) Commercial facilities that discharge only human and domestic wastes.
- (e) Other users who do not discharge industrial wastes.
- (f) Other discharges which are otherwise exempted by these Regulations.

**Compliance With Discharge Permit.** No user shall directly or indirectly discharge any industrial waste into the Commission's wastewater system unless such discharge complies with a Sewer Use Discharge Permit, an MWRA Group Permit or an MWRA General Permit issued to the discharger, and complies with, or is exempted by these Regulations.

**Obligation to Comply With Regulations.** The issuance of a Sewer Use Discharge Permit, an MWRA Group Permit or an MWRA General Permit shall not relieve the permittee of its obligation to comply with the Massachusetts Clean Waters Act, G.L. c. 21, sections 26 through 53, and with all of the requirements contained in these regulations, unless specifically modified by the permit.

**Significant Industrial Users.** In addition to the requirements of these Regulations, any person operating a facility in the District that is a significant industrial user as defined in 40 CFR 403.3 shall comply with the applicable requirements of 40 CFR Part 403, including the reporting requirements of 40 CFR 403.12 and any National Categorical Pretreatment Standard applicable to the facility.

#### **Industrial Discharge Sewer Use Permit Application and Issuance**

- (a) Every user required to obtain a Sewer Use Discharge Permit for industrial discharge shall complete and file with both the Commission and the MWRA a permit application form which may be obtained from either the Commission or the MWRA.
- (b) The Commission and the MWRA shall evaluate the adequacy of data furnished in the application and may require the applicant to provide additional data within a specified time. If the applicant fails to supply the requested information, the Commission may deny the Sewer Use Discharge Permit. After receipt of adequate data, the Commission may issue a Sewer Use Discharge Permit. The Sewer Use Discharge Permit is effective only when authorized in writing by the Commission.

(c) The Commission may stipulate special conditions and terms upon which a Sewer Use Discharge Permit is issued. Sewer Use Discharge Permits may contain the following terms and conditions:

- (i) Limits on rate, time and characteristics of discharge and requirements for flow regulation, equalization and retention.
- (ii) Installation of inspection, flow measurement and sampling facilities, and provisions for access to such facilities for inspection and/or sampling related to the permit terms and conditions.
- (iii) Specifications for monitoring programs which may include flow measurement, sampling, physical, chemical and biological tests, data recording, and reporting schedules.
- (iv) Pretreatment requirements and implementation schedules, including schedules for reporting progress towards meeting such requirements.
- (v) Periodic submission of discharge reports and retention and submission of hazardous waste manifests.
- (vi) Special service charges or fees.
- (vii) Provision for the operation of wastewater pretreatment facilities by persons licensed according to state law, including the Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities, 257 CMR 2.00.
- (viii) Other provisions deemed appropriate by the Commission or the MWRA to ensure compliance with these Regulations and with applicable requirements of State or Federal laws.

(d) The Commission may change the conditions of a Sewer Use Discharge Permit from time to time as circumstances (including Federal or State statutes or regulations) may require.

**MWRA Group Permit Application.** The owner of a facility required to be covered under an MWRA Group Permit shall complete and file with the MWRA an application or Notice of Intent to Discharge, on a form available from the MWRA. A copy of the Application or the Notice of Intent shall be provided to the Commission. The owner shall not commence discharging until it is issued a Group Permit by the MWRA.

**MWRA General Permit Application.** The owner of a facility required to be covered under an MWRA General Permit shall complete and file with the MWRA an application or Notice of Intent to Discharge, on a form available from the MWRA. A copy of the application or the Notice of Intent shall be provided to the Commission. The owner shall not commence discharging until it receives written notice from MWRA that the facility is covered under a General Permit.

**Notification to Employees.** Users shall inform their employees of the existence of these Regulations, and if applicable, of the permittee's Sewer Use Discharge Permit, MWRA Group Permit or MWRA General Permit. At least one copy of these Regulations and the Permit(s) shall be permanently and conspicuously posted by each such user. Such user shall also permanently post a notice identifying the employee who has been designated as the individual responsible for compliance with, and who should be notified of any violation of, these

Regulations or a permit. Every such user shall provide a copy of its Sewer Use Discharge Permit to each employee working in its pretreatment operations.

### **Pretreatment Requirements**

**Pretreatment Requirements.** Every user who directly or indirectly discharges wastewater to the Commission wastewater system shall provide the pretreatment necessary to ensure that the discharge complies with these Regulations. All pretreatment equipment shall be properly installed and maintained in satisfactory and effective operation at the owner's expense.

**Compliance with the Pretreatment Standards.** Every user whose operation within the District is subject to a National Categorical Pretreatment Standard shall obtain a Sewer Use Discharge Permit for the operation.

**Pretreatment Regulations.** All industrial users and dischargers of industrial wastes shall comply with Federal, State, MWRA, and Commission regulations pertaining to industrial pretreatment as they now exist or may be amended in the future. The timing of compliance shall be as directed by the Commission.

**Pretreatment Facilities.** The following standards are required for pretreatment facilities:

(a) Prior to construction or installation of any pretreatment facilities required by any applicable industrial pretreatment regulations, detailed plans and operating procedures, along with a proposed implementation schedule, shall be submitted to the Commission for review. The review of such plans and operating procedures will in no way relieve such user from the responsibility of modifying the pretreatment facility as may be necessary to produce an effluent acceptable to the Commission and the MWRA WWTF under the provisions of their respective regulations and the requirements of Federal or State agencies.

(b) An approved implementation schedule will be incorporated in the Sewer Use Discharge Permit. Any subsequent proposed changes in a pretreatment facility or method of operation shall be reported to the Commission and the MWRA WWTF before modification of such a facility.

(c) Pretreatment facilities shall be continuously maintained in satisfactory and effective operation. All costs associated with pretreatment facility planning, design, construction, operation and maintenance shall be borne by the owner or user. The Commission shall have the right to inspect such facilities in accordance with these Regulations.

**Pretreatment Operator's License.** The individual(s) responsible for operating a pretreatment system that discharges directly or indirectly to the Commission's wastewater system shall possess the proper operator's license(s) as required by law, including the Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities, 257 CMR 2.00.

**Other Requirements.** The superintendent has the right to require, as a condition of a permit issued to an Industrial discharge at his discretion, the owner of any building, existing or proposed, to construct a metering/sampling manhole at every buildings sewer connecting to the public sewer. This manhole, located adjacent: the public sewer; with frame and cover brought to grade, and just upon the Owner's property, will be constructed for the purpose of allowing the Superintendent and the District the ability to enter upon said property to inspect

the constituents in and quantity of flow being discharged to the public sewer. This metering/sampling manhole must conform to the requirements and specifications of the District and will be a mandatory requirement of the sewer installation permit, and will be subject to the inspection and approval of the Superintendent and the District. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of ASTM, the WPCF Manual of Practice No.7, the WPCF Manual of practice No. FD 5 and the ASCE Manuals and Reports - on Engineering Practice No. 6 and WPCF Manual of Practice No. FD 4 shall apply.

The location of control manholes for purposes of sampling industrial waste subject to federal Categorical Pretreatment Standards shall be at the end of the process. All nonallegorical limitations imposed by these regulations are applied at the end of pipe connecting to the publicly owned sewer system. These regulations apply to process wastewater as defined in 40 CFR 401.11 (q). boiler blowdown, non contact cooling water, and sanitary waste are classified as dilution wastestreams.

All measurements, tests; and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the procedures in 40 CFR 136, and shall be determined at the control structure provided, by upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream sewer manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect Of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls on a property is appropriate or whether a grab sample or grab samples may be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls, whereas pH is determined from periodic grab samples.

All industries discharging into as public sewer shall perform such monitoring of their discharges as the Superintendent, the District and/or other duly authorized employees of the District may reasonably require, including installation use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent and the District. Such records shall be made available upon request by the Superintendent and the District, and to other agencies having jurisdiction over discharges to the receiving waters.

No statement contained in these regulations shall be construed as preventing any special agreement or arrangement between the Commission and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Superintendent or District for treatment subject to payment therefore, by the industrial concern. Any agreement with an industrial or commercial concern shall require compliance with Federal Pretreatment Regulations and Local Pretreatment Regulations.

# PERMITS

## Building Sewer Connection Permits

A permit shall be required for the installation, modification, repair or maintenance of any building sewer which ultimately flows to the Commission's System.

### Classes

There shall be three (3) classes of buildings sewer permits

1. General Service Application, for residential and commercial services in full compliance with the standards of the commission set forth in these regulations and as outlined in the sections for Materials and Methods of Construction and Building Sewers, Connections and Appurtenances or as otherwise noted
2. Special Service Application, for residential and commercial services not meeting the standards of the commission set forth in these regulations and as outlined in the sections for Materials and Methods of Construction and Building Sewers, Connections And Appurtenances or as otherwise noted. A special service application is not required when the proposed modification as described in the above referenced sections may be approved by the superintendent as noted. The owner(s) or his agent shall make a permit application to the Superintendent on a special form provided by the District. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the superintendent.
3. Industrial Service Application, For service to establishments producing industrial waste flow (see definitions) or any flow greater than 25,000 gallons per day in either case, the owner(s) or his agent shall make a permit application to the Superintendent on a special form provided by the District. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgement of the superintendent.

### Fees

A permit application fee, which shall include the routine costs associated with the inspection of the building sewer Installation by the Superintendent, shall be paid to the District at the time the application is filed at a rate as determined by the Commission and as set forth in the Schedule of Fees.

### Issuance

Permits for constructing building sewers and for connections to common sewers may be obtained weekdays by appointment at the office of the Lancaster Sewer District. A fee set by the commissioners will be charged, payable to the District upon issuance of the permit.

Permits will only be issued to drain layers, licensed to lay drains in the Lancaster Sewer District. Permits are not transferable between licensed drain layers nor sewer service connections.

Permits shall be subject to revocation when any of the Rules and regulations contained herein are not being followed.

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

Permits shall be obtained for repair work to existing sewer service connections and a fee to be determined by the commissioners will be charged, payable upon issuance of permit. Responsibility and liability for all repair work shall be the same as are here imposed for original connections.

No permit shall be issued except in cases of emergency to dig up or make an excavation in a public way until the applicant files with the Superintendent copies of the notices to public utility companies as required by General Laws Chapter 82, Section 40, and until the applicant has obtained the necessary road opening permit from the Town of Lancaster Highway Superintendent.

No work of laying or repairing building and other private sewers and appurtenances shall be countenanced or allowed to continue unless the permit to do so is at the site of work in the hands of the drainlayer or its employee.

All work shall be completed within sixty (90) days from the issuance of the permit. If not so completed, a new permit or written extension of time shall be obtained to validate continuance of the work. Failure to request an extension of time before the expiration of the permit will result in an additional permit application fee paid to the district at the time of reapplication. No additional fee shall be charged for a request for an extension of time made before the expiration of the permit.

### **Permit to Enter Commission Sewers**

No person shall enter or install equipment into the Commission's wastewater collection system without first obtaining from the Commission a Permit to Enter Commission Sewers. If determined to be necessary by the Superintendent, the permit to enter will constitute a permit-required confined space permit. A permit-required confined space permit must be acquired for each individual entry and will expire at the end of the day of issuance. A permit application fee shall be paid to the District at the time the application is filed at a rate as determined by the Commission and as set forth in the Schedule of Fees.

### **Change in Use Fees**

Any facility connected to the districts sewer that is proposing a change in use must report the change to the Commission for approval. A change in use shall be considered any change in the characteristics or quantity of flow. Any change in use shall be subject to a fee charged on a per gallon-per-day (GPD) basis equal to the difference of the proposed flow of the new use from the flow of the current use, at a rate per GPD, or, if applicable, per unit, whichever is greater as determined by the Commission and as set forth in the Schedule of Fees. For

purposes of calculation Title 5 flow tables shall be used. Changes in use not reported to the District shall be subject to fines and will be required to pay a Change in Use Fee immediately upon discovery.

## **PROTECTION FROM DAMAGE**

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities of the District. Any person(s) violating this provision shall be subject to all civil or criminal penalties as provided by Massachusetts General Laws or any other Law, Ordinance, or By-law that may be applicable.

Only authorized persons shall enter or remain in or upon any land or structure used for wastewater facilities of the District. Any person violating this provision shall be subject to immediate arrest under charge to trespass.

# ENFORCEMENT

## **Powers And Authority Of Inspectors**

The superintendent, and other duly authorized employees or agents of the Commission or employees of the District bearing proper credentials and identification shall be permitted to enter, at reasonable times, all private properties connected with public sewers for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations. They may inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, plating, or other industrial activity that contribute waters or wastes to the public sewers, and to inspect and copy records.

The Superintendent or other duly authorized employees or agents of the District are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the wastewater facilities. The industry may withhold information considered confidential. However, the industry must establish that disclosure of the information in question to the public might result in an advantage to competitors.

While performing the necessary work on private properties the Superintendent or duly authorized employees or agents of the District shall observe all safety rules applicable to the premises.

The Superintendent and other duly authorized employees or agents of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds an easement for the purposes of, but not limited to; inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

## **Inspection**

### **Right of Access.**

(a) Duly authorized representatives of the Commission may inspect the property or facilities of any user (including facilities under construction) to ascertain compliance with these Regulations or compliance with any permit issued pursuant to these Regulations.

(b) Owners or occupants of premises where wastewater is either generated or discharged shall allow properly identified Commission representatives safe and ready access, at all reasonable times during normal business hours and at such other times as the Commission reasonably suspects that a violation of these Regulations or a permit issued pursuant to these Regulations may be occurring.

(c) Access shall be allowed to all such parts of the premises as would enable the Commission personnel to inspect, observe, measure, sample and test:

(i) internal plumbing;

- (ii) pretreatment facilities;
  - (iii) internal discharge points or connections;
  - (iv) exterior connections;
  - (v) building sewers
  - (vi) oil traps and grease traps;
  - (vii) any other facilities required by the Commission and/or the MWRA to be constructed, installed or utilized;
  - (viii) measurement, sampling and testing facilities and procedures that have been required by the Commission and/or the MWRA; and
  - (ix) such other facilities as the Commission reasonably believes may be contributing to a violation of these Regulations or a permit issued pursuant to these Regulations.
- (d) The Commission, by itself or in conjunction with the MWRA, may conduct routine, periodic inspections of certain types of facilities. It is anticipated that restaurants, other food handling or food processing establishments, service stations, and other entities which deal with grease or petroleum products are particularly likely to be subject to such an inspection program. Other industrial users may also be so inspected, as the Commission deems appropriate. Owners or occupants shall provide any labor or equipment needed by Commission or MWRA personnel to open, inspect, and operate oil and grease traps and other facilities.

**Right of Entry.** Upon proper identification and at reasonable times during normal business hours and at such times as the Commission reasonably suspects that a violation of these Regulations or a permit issued pursuant to these Regulations may be occurring, duly authorized representatives of the Commission shall be permitted to enter all private property through which the Commission holds an easement for the purposes of inspection, observation, measurement, sampling, testing, maintenance, repair, or reconstruction of any portion of the Commission's wastewater system lying within said easement. All entry and subsequent work, if any, shall be done in full accordance with the terms of said easement.

**Security Clearance.** Where a user has security measures in force which would require clearance before any entry to the premises, the user shall make all necessary arrangements to permit Commission personnel to enter without undue delay for the purposes of carrying out their specific responsibilities.

**Public Function.** The Commission shall be deemed to be performing an essential public function. The Commission shall not be liable for any loss or damage as a result of the performance of such essential public function.

**Consequences of Denial of Entry or Access.** Where an owner or user, after having received reasonable notice from the Commission, refuses to permit properly identified Commission personnel to enter or have access to premises or facilities in accordance with Sections 1 and 2 above, the Commission may forthwith give written notice of its intent to petition the Lancaster Water District to terminate water service to such user.

**Record Keeping  
Maintenance of Records.**

(a) An owner or user shall maintain on its premises all documents pertinent to any of the following:

(i) the volume, components or frequency of its discharges to the Commission's wastewater system.

(ii) its industrial pretreatment equipment and procedures, if any;

(iii) its design, installation, maintenance, and operation of any special facilities, particle separators, grease or oil traps, building drains, building sewers, private sewers, or other wastewater-related facilities or equipment;

(iv) its permits or orders issued pursuant to these Regulations.

(b) Unless otherwise specified in these Regulations or in any permit or order issued by the Commission or the MWRA, every such document shall be maintained for at least five full years following its preparation or receipt by the user. All records pertaining to matters covered by an order issued under these Regulations, or to any enforcement action or litigation involving the Commission shall be retained until the enforcement action is concluded and all appeal periods concerning the order or action have expired unless a longer period of retention is otherwise required.

**Inspection of Records.** Users and owners shall permit duly authorized and properly identified representatives of the Commission to inspect and review, upon reasonable notice and during normal business hours, any and all of the records maintained pursuant to Section 1 above. The Commission may require that copies of records be produced for its use at the owner's or users expense. Records may be maintained in electronic format if access to them is readily available and hard copies can be obtained within 24 hours.

**Consequences of Denial of Access to Records.** Where an owner or user, after having received reasonable notice from the Commission, refuses to permit properly identified Commission personnel to have access to records in accordance with Sections 1 and 2 above, the Commission may forthwith give written notice of its intent to petition the Lancaster Water District to terminate water service to such user.

## **VIOLATIONS AND PENALTIES**

Any person found to be violating any provision of these Rules and Regulations, shall be served by the Board with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in the amount as determined by the commissioners and as set forth in the schedule of fees for each violation. Each day that a violation continues shall be considered new violation.

Any person violating any provision of these Rules and Regulations shall be liable to the Lancaster Sewer District for any expense, loss or damage occasioned the Lancaster Sewer District by reason of such violation.

### **Monetary Liability Associated With Penalties**

**Penalties.** Any person who violates any provision of these Regulations or a permit issued pursuant to these Regulations shall forfeit and pay to the Commission an amount set forth in the Schedule of Penalties adopted by the Commission from time to time in accordance with G.L. c. 83, section 10, as then in effect. For purposes of this section, each day of a continuous violation shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.

**Reimbursement for Costs to the Commission.** Failure to comply with any portion of these Regulations, or with any permit or order issued thereunder, shall be sufficient cause for the Commission to levy on and collect from each violator any additional cost for any expense, loss, or damage occasioned by such violation, including assessments or penalties levied or imposed on the Commission by the MWRA pursuant to the MWRA's Sewer Use Rules and Regulations.

### **Enforcement Actions**

#### **Multiple Alternatives.**

When the Commission determines that a person has:

- (a) violated, is violating or threatens to violate these Regulations;
  - (b) violated, is violating or threatens to violate any permit issued pursuant to these Regulations;
  - (c) made a false representation in an application, record, or report to the Commission or failed to provide relevant information;
  - (d) manipulated, falsified, tampered with, or rendered inaccurate a monitoring device or method;
  - (e) failed to comply with an order or ruling issued by the Commission or a court after having reasonable opportunity to comply;
  - (f) failed to pay a penalty or fee due to the Commission, or that
- (g) caused or threatened damage to the Commission's collection system, the Commission may take any one or more of the following actions, in any sequence or simultaneously:

- (1) The Commission may issue a request or an order to cease and desist any such violation or any actions that cause or threaten to cause a violation, and/or an implementation schedule for undertaking specific actions or practices.
- (2) The Commission may require the person in question to submit a detailed time schedule setting forth specific actions to be taken and specific dates upon which such actions will be undertaken in order to prevent or correct a violation. The Commission may issue an implementation schedule containing or modifying such specific actions and time schedule, or requiring such other actions within such times as the Commission deems appropriate.
- (3) The Commission may issue an order directing the person to pay to the Commission penalties and costs in accordance with Section C.1 and/or C.2 above.
- (4) The Commission may revoke, modify, deny, suspend, or refuse to renew a permit issued to the person under these Regulations.
- (5) The Commission may take direct enforcement action by filing suit in any court of competent jurisdiction pursuant to G.L. c. 83, Chapter 436 of the 1977 Acts and Resolves, or any other applicable statute or regulation for civil or criminal fines and reimbursement of costs or damages resulting from the violation or threatened violation.
- (6) The Commission may petition the Lancaster Water District to terminate water service to the person following written notice of its intent to do so.
- (7) The Commission may take any other action available to it under any applicable statute or regulation.

**Administrative Procedure  
Informal Conference.**

- (a) Whenever the Commission issues a Sewer Use Discharge Permit; denies, revokes, modifies, or amends any form of permit or application; requires an owner or user to build or install any particular facility or device; issues a cease and desist order, a compliance order, or an implementation schedule; or assesses penalties or other charges for noncompliance with these Regulations, any permit, or other lawful requirement, the Commission shall promptly inform the owner or user to whom such action is addressed.
- (b) Such notice shall be sent first-class mail and shall inform the addressee of his/her right to submit, within 14 days after the date of such notice, a written request for reconsideration of the Commission's action. A request for reconsideration shall be addressed to the Superintendent at the Commission's main Boston office and shall set forth in detail the facts supporting it. Such a request shall not have any effect to stay or delay the Commission action, unless the Superintendent provides otherwise in a writing mailed to the entity making the request.
- (c) Upon receiving a timely request for reconsideration, the Superintendent or his/her designee shall schedule an informal conference with the entity making the request. Written notice of the conference date, time and place shall be mailed to that entity at least 10 days before the date of the conference, which shall be held no later than 21 days after receipt of the request. The Superintendent or his/her designee shall rule in writing on the request for reconsideration within 14 days after completion of the conference.

**Right to Hearing.**

(a) A copy of the ruling on the request for reconsideration shall be mailed to the entity which submitted the request. The ruling shall be accompanied by a notice that such entity has the right to request a hearing before the Commission or its designated representative.

(b) The notice shall inform the addressee that in order to obtain a hearing concerning the Commission's action a written request must be submitted to the Superintendent at the Commission's main office within 30 days after the date of such notice from the Commission.

**Notice of Hearing.** Within 15 days after receiving a timely written request for a hearing, the Commission shall schedule a hearing and shall mail to the entity which requested the hearing, written notice specifying the date, time, place, and subject matter of the hearing. The notice shall also state that the entity requesting a hearing has the right to be represented by legal counsel and to present evidence (in the form of both documents and testimony) at the hearing.

**Conduct of Hearing.**

(a) The hearing scheduled under Section 3 above shall be held not sooner than 15 days nor later than 30 days after the date of the notice of such hearing. The hearing shall be conducted in accordance with the Commission's Rules of Procedure, as amended from time to time. The rules of evidence observed by courts need not be adhered to. The proceedings shall be tape recorded, and the recording shall be kept in the Commission's custody.

(b) Any person who desires a transcript of the hearing may obtain one from the Commission, upon payment to the Commission of the transcription charge reasonably incurred by the Commission.

**Hearing Record and Decision.** The documents and other evidence offered at the hearing shall constitute the hearing record. The hearing decision shall be based solely on the hearing record and shall be made within 30 days after the conclusion of the hearing. The decision shall be embodied in a writing which summarizes the matters considered and the reasons for the determination made on each such matter. The written decision shall be signed by the Commission or its designated representative and shall be mailed to the entity which had requested the hearing.

## **ORDINANCE IN FORCE**

This ordinance shall be in force and effect from and after its passage, approval, recording, and publication as provided by law.

Revised and adopted by the Board of Commissioners of the Lancaster Sewer District, Lancaster Massachusetts on the Fifteenth (15th) day of March, 1979.