

**SOUTH ESSEX SEWERAGE DISTRICT**

**SEWER USE REGULATIONS**

**REVISION 11.05**

**EFFECTIVE DATE: MAY 31, 2023**

TABLE OF CONTENTS

ARTICLE I GENERAL

- Sections 1.1 Purpose and Policy  
1.2 Abbreviations  
1.3 Definitions

ARTICLE II BUILDING SEWERS AND CONNECTIONS

- Sections 2.1 Connection Permit  
2.2 Wastewater Modification  
2.3 Connection Permit Application  
2.4 Connection Costs  
2.5 Building Sewer  
2.6 Connections for Non-Polluted Waters  
2.7 Inspection  
2.8 Construction Safeguards and Restoration  
2.9 Member Community Reporting  
2.10 Connection Permit Fees

ARTICLE III USE OF THE PUBLIC SEWERS AND POTW

- Sections 3.1 General Discharge Prohibitions  
3.2 Specific Discharge Limitations  
3.3 Hauled Wastes  
3.4 National Categorical Pretreatment Standards  
3.5 State Requirements  
3.6 District Requirements  
3.7 Pretreatment by Dilution

ARTICLE IV ADMINISTRATION

- Sections 4.1 Wastewater Discharge Permits  
4.2 Monitoring Requirements  
4.3 District Control

ARTICLE IV CONTINUED

- 4.4 Interceptors
- 4.5 Public Access and Confidentiality
- 4.6 False Statements, etc. Prohibited
- 4.7 Pretreatment Violations Publication
- 4.8 Charges and Fees

ARTICLE V ENFORCEMENT

- Sections 5.1 Enforcement Actions
- 5.2 Notice of Violation
- 5.3 Consent Orders
- 5.4 Emergency Orders
- 5.5 Show Cause Hearing
- 5.6 Administrative Orders
- 5.7 Permit Action
- 5.8 Appeals
- 5.9 Further Appeal
- 5.10 Administrative Civil Penalties
- 5.11 Costs and Damages
- 5.12 Termination of Discharge
- 5.13 Civil Actions
- 5.14 Criminal Actions and Other Procedures
- 5.15 Miscellaneous

ARTICLE VI PENALTIES

- Sections 6.1 Assessment of Administrative Civil Penalties and Damages
- 6.2 Procedure for Payment of Administrative Civil Penalties, Costs and Damages
- 6.3 Procedure for Payment of Judicially Determined Civil or Criminal Penalties, Costs and Damages
- 6.4 Costs of Collection

ARTICLE VII POWERS AND AUTHORITY OF INSPECTORS

- Sections 7.1 Right of Access
- 7.2 Safety Requirements
- 7.3 Easements
- 7.4 Denied Access

ARTICLE VIII VALIDITY

Sections 8.1 Effective Date  
8.2 Severability  
8.3 Section Titles

EXHIBIT 1.

Maximum Allowable Industrial Loadings (MAIL)

ARTICLE I

GENERAL

Section 1.1 Purpose and Policy

These Sewer Use Regulations, Revision 11.05 (herein, "Regulations") set forth requirements for wastewater contributors to public sewers tributary to District facilities and for direct contributors to District facilities. They are intended in part to enable the District to comply with the Federal Water Pollution Control Act (P.L. 92-500) as amended (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). These Regulations apply to all Users of the District POTW, whether located inside or outside the District.

Section 1.2 Abbreviations

The following abbreviations shall have the following meanings:

°C - degrees Celsius

°F - degrees Fahrenheit

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

CMR - Code of Massachusetts Regulations

EPA or USEPA - United States Environmental  
Protection Agency

gpd - gallons per day

IPP - Industrial Pretreatment Program developed in  
accordance with 40 CFR 403.8 et seq.

MADEP - Massachusetts Department of Environmental  
Protection

mg/L - milligrams per liter

NPDES - National Pollutant Discharge Elimination  
System

POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act  
(42 U.S.C. 6901 et seq.)

SESD - South Essex Sewerage District

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

TSS - Total Suspended Solids or Suspended Solids

USC - United States Code

### Section 1.3 Definitions

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

Authorized Representative of the User. Either: (a) a principal executive officer of at least the level of vice-president, if the User is a corporation; (b) the owner or operator of a facility from which a discharge originates; (c) a general partner or proprietor, if the User is a partnership or proprietorship respectively, (d) a duly authorized representative of a municipality or local body or other governmental agency, if the User is a governmental entity; or (e) a duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facility from which the discharge of wastewater originates and such authorization is submitted in writing to the District.

Batch Discharge. The noncontinuous discharge of wastewater from a container which has no streams entering the container during such periods of discharge.

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

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20°C expressed in terms of concentration (mg/L).

Board. The governing body of the District, acting by itself or through its designee.

Building Sewer. A sewer conveying wastewater from the premises of a User to a public sewer.

Categorical Pretreatment Standard. Any National Pretreatment Standard which applies to a specific category of Industrial User and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

Composite Sample. A series of grab samples which, taken together, measures the quality of the wastewater over a specified period of time. Samples may be composited based either on flow or time. The District may specify a minimum number of grab samples to use for a composite sample and specify whether grab samples shall be collected based on flow or time.

Contributory Industry. An industry which discharges a specific pollutant, including but not limited to metals, at maximum concentrations greater than or equal to maximum domestic concentrations as determined by the District.

Cooling Water. The water discharged from any stream of air conditioning, cooling, refrigeration, or other system of heat transfer. Non-contact cooling water is water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product and is sufficiently free of contaminants to allow direct discharge to surface water. Contact cooling water is water used in a process for cooling purposes which has come in direct contact with the process reactants or products.

Daily Average Limit. The highest allowable concentration for any pollutant in a wastestream discharged during any one day by a User based upon a composite sample or, in the case of a batch discharge, based upon a grab sample.

Discharge. The introduction of pollutants into any District facility or the POTW, including direct or indirect discharges to public sanitary sewers.

District. The South Essex Sewerage District which acts through its Board and the Board's designee(s).

District Sewer. Sewers owned and/or maintained by the District.

Environmental Protection Agency (EPA). The United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Executive Director. The person holding the position of Executive Director of the District or the Executive Director's designee.

Existing Source. Any source of discharge the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act (33 U.S.C. 1317).

Garage. Any structure or property where one or more motor vehicles are kept or stored including, among others, a public or private garage, carport, motor vehicle repair shop or paint shop, service station, lubritorium, car wash, or any building used for similar purposes.

Garbage. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce, excluding rubbish and trash.

Grab Sample. A sample which is taken from a waste stream during a discharge without regard to the time of day or the flow rate of the discharge and over a period of time not to exceed fifteen (15) minutes.

Hauled Waste. Any septage, industrial septage, or water treatment residuals removed from a septic tank or similar receptacle and transported by truck to the POTW for discharge.

Hazardous Waste. Material including, but not limited to, any material in whatever form which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. The term shall not include oil, but shall include waste oil and all those substances which are included under 42 U.S.C. §. 9601(14), but it is not limited to those substances. The term shall include, but shall not be limited to, all materials regulated as hazardous waste or regulated recyclable materials pursuant to 310 CMR 30.000.

Industrial User. A non-domestic source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. 1317) that discharges pollutants directly or indirectly into a public sewer or the POTW.

Industrial Septage. The industrial wastes or industrial wastewater that are removed from a holding tank, or similar receptacle.

Industrial Wastes or Industrial Wastewater. Any solid, liquid or gaseous wastes and wastewater, exclusive of sanitary sewage,

resulting from an industrial or manufacturing process or discharged from a commercial, governmental or institutional facility or from the development, recovery or processing of natural resources, including water treatment residuals.

Inflow. The discharge into a sewerage system, including service connections, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, sump pumps, non-contact cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, stormwaters, surface runoff, or street wash water.

Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter such as grease, oils, and grit from normal wastes while permitting normal sewage or liquid wastes to discharge into public sewers.

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources: (1) inhibits or disrupts the POTW, the POTW's treatment processes or operations; the POTW's processes for, use of or disposal of sludge or of sludge products; and (2) is a cause of a violation of the District's NPDES permit or of the prevention of sewage sludge use or disposal. "Interference" includes any inhibition or disruption which causes or contributes to a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation) or causes or contributes to the prevention of sewage sludge or sludge product use or disposal by the District in accordance with the method(s) selected by the District and the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations); Section 405 of the Clean Water Act (33 U.S.C. 1345 et seq.), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly known as the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) and the Marine Protection Research and Sanctuaries Act (33 U.S.C. 1401 et seq.).

Maximum Allowable Industrial Loading (MAIL). The estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and other controlled sources without causing pass through or interference.

Maximum Allowable Headworks Loading (MAHL). The estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference.



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

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

National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to the Code of Federal Regulations, 40 CFR 403.5.

New Source.

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act (33 U.S.C. 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - (a) the building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new build-

ing, structure, facility or installation meeting the criteria of (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - (a) begun, or caused to begin as part of a continuous onsite construction program
    - (i) any placement, assembly, or installation of facilities or equipment, or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Pass Through. The passage of pollutants through the POTW into receiving waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation).

Person. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity and their agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

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

Pollutant. Any material or substance that may cause an adverse effect on the chemical, physical, biological or radiological integrity of public sewers, the POTW, wastewater discharged to the POTW or the POTW's receiving waters.

Pollution Prevention. Any change in process, operations, materials or management practices which results in significant reduction or prevention of the introduction of pollutants into a waste stream.

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

Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Pretreatment Standards. Prohibited discharge standards, National Pretreatment Standards, Categorical Pretreatment Standards, and local limits.

Process Wastewater. Wastewater discharged from an industrial or manufacturing process or as defined by any Categorical Pretreatment Standard as defined herein.

Prohibited Discharge Standards. Absolute prohibitions against the discharge of certain substances. These prohibitions appear in Section 3.1 of these Regulations.

Public Sewer. Any sewer tributary to District facilities that is owned by a municipality or the District.

Publicly Owned Treatment Works (POTW). The treatment works operated by the South Essex Sewerage District and its agents, including any devices and systems, whether owned by the District or under its control, used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature and also including, without limiting the generality of the foregoing, the District's treatment plant and appurtenances, the sewers, pipes, pumping stations and other devices conveying wastewater to the treatment plant, and sludge processing systems whether operated by the District directly or by a contractor or agent of the District.

Receiving Waters. Any water body which may be affected by the discharge from the POTW including discharges through combined sewer overflows.

Receiving Water Quality Standards. The Massachusetts Water Quality Standards, as provided by M.G.L. Chapter 21, Section 27.

Septage. The wastes, primarily of sewage origin, that are removed from a cesspool, septic tank, or similar receptacle including wastes removed from a non-industrial food service interceptor.

Sewage/Sanitary Waste. Human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer. A pipe or conduit for carrying wastewater.

Shall. A mandatory action; May. A permissive action.

Significant Industrial User. An Industrial User a) subject to Categorical Pretreatment Standard(s); and b) any other Industrial User that i) discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown waste water), ii) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any National Pretreatment Standard or requirement. Notwithstanding the foregoing, an Industrial User meeting the criteria in (b)(i) or (b)(ii) is not a Significant Industrial User, if the District finds it has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with the criteria in 40 CFR 403.3(v) and 40 CFR 403.8(f)(6).

Significant Noncompliance. A Significant Industrial User (or any Industrial User which violates paragraphs (c), (d) or (h) below) is in significant noncompliance if its violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) and (t);
- (b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of

the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) and (t) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) and (t) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
- (h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Sludge. Waste containing varying amounts of solid contaminants removed from water, wastewater or industrial wastes by physical, chemical or biological means. This term shall include, but is not limited to, all wastewater residuals including scum, grit, screenings, and products thereof. This term does not include water treatment residuals as defined herein.

Slug or Slug Discharge.

- (a) Any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause Interference or Pass Through or in any other way violate the POTW's regulations, local limits or permit conditions; or
- (b) any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration more than 5 times the allowable average 24-hour concentration or flows during normal operation and which may adversely affect the POTW or public sewers; or
- (c) the release of liquids from a large vat, vessel or container into the POTW or public sewers in a manner that:
  - (i) causes harm or threat of harm to the POTW or public sewers, workers, or receiving waters; or
  - (ii) exhibits concentrations of pollutants in excess of the requirements of these regulations; or
  - (iii) causes a violation of any federal or state permits issued to the District.

State. The Commonwealth of Massachusetts.

Storm Water. Flow resulting from any form of natural precipitation.

Substantial Change. An increase or decrease of 2,000 gpd or thirty percent of the previous annual total average flow, whichever is greater, or an increase or decrease of 10 pounds per day BOD or TSS or thirty percent of the previous annual total average BOD or TSS loadings, whichever is greater; or an increase or decrease of twenty percent in the concentration or total pollutant loading of any other pollutant

including toxic metals or organic pollutants; or as otherwise defined in an Industrial User's wastewater discharge permit.

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

Toxic Pollutant. One of the pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of Section 307 of the Act (33 U.S.C. 1317).

Toxic Wastes. Wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process including sludge disposal, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in receiving waters, and those wastes so designated under the Act, the regulations issued thereunder, or under state law or regulations.

Upset. An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in the applicable pretreatment requirements and/or its permit terms due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

User. A person that discharges, or causes the discharge of, wastewater, directly or indirectly, into the POTW or a public sewer tributary to District facilities.

Wastewater. Waste and water, whether treated or untreated, discharged into or permitted to enter the POTW or a public sewer.

Water Treatment Residuals. Waste by-products produced during the treatment of public or private drinking water or industrial water supplies other than recycled process water including, but not limited to, filter backwash wastes and sedimentation wastes.

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## ARTICLE II

### BUILDING SEWERS AND CONNECTIONS

#### Section 2.1 Connection Permit

No person shall uncover, make any connections with or opening into, use, alter, or disturb any District sewer or appurtenance without obtaining a connection permit from the Executive Director.

#### Section 2.2 Wastewater Modification

Any person proposing a new discharge, or a substantial change in the character or volume of wastewater being discharged, directly or indirectly, into a public sewer shall, in accordance with the provisions of Section 4.1.3(3) (h) of Article IV of these Regulations, notify the Executive Director at least forty-five (45) calendar days before the proposed change or connection.

#### Section 2.3 Connection Permit Application

A person desiring to obtain a connection permit to a District sewer shall make application on a form furnished by the Executive Director. The connection permit application shall be supplemented by plans, specifications, or other information considered pertinent by the Executive Director. The connection of the building sewer into the District sewer shall conform to these Regulations and to the requirements of the building and plumbing code or other applicable rules and regulations of the city or town in which the work is located. The application shall contain the certification and signatory requirements of Section 4.1.10 of Article IV of these Regulations.

#### Section 2.4 Connection Costs

The cost of installing and connecting the building sewer shall be borne by the User. The User shall indemnify the District from any loss or damage that may directly or indirectly be caused by installation of the building sewer. The District shall not be liable for damage due to backflow if sewage does not overflow the public sewer system itself.

#### Section 2.5 Building Sewer

A separate and independent building sewer shall be provided for every building, except where otherwise allowed by the Board. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all



conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or town in which the work is located.

#### Section 2.6 Connections for Non-polluted Waters

No person or User shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater or other non-polluted waters to a building sewer or building drain which is connected to a public sewer unless specifically authorized by the Board. The Board may authorize the discharge of stormwater from industrial sites where the direct discharge of the stormwater would impair environmental quality.

#### Section 2.7 Inspection

The applicant for a connection permit to a District sewer shall notify the Executive Director when the building sewer is ready for inspection and connection to the District sewer. The connection shall be made under the observation of the Executive Director.

#### Section 2.8 Construction Safeguards and Restoration

Excavations for building sewer installation shall be adequately guarded with barricades, lights, and other safeguards, to protect the public from hazard. Street, side-walks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city or town in which the work is located.

#### Section 2.9 Member Community Reporting

District member communities shall provide the District with a copy of each application for a connection permit submitted by an Industrial User as defined in these Regulations within seven (7) days of receipt of said application.

In addition, District member communities shall submit annually by January 31 of each year, a list of all new municipal sewer connections, for the previous calendar year, discharging less than 15,000 gallons per day pursuant to 314 CMR 12.07(6).

#### Section 2.10 Connection Permit Fees

A permit and inspection fee in an amount to be determined by the Board shall be paid to the District at the time a sewer connection permit application is filed. The amount of the fee may vary between permits for residential, commercial, industrial and other

private sewers. Fees shall be established by the Board for each type of connection and may be changed from time to time to reflect the cost of handling permits, inspections and the impact of the sewer connections on the sewage collection system and the sewage treatment system. Charges for use of District sewers and treatment of wastes discharged directly to District sewers shall be assessed as provided in these Regulations.

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ARTICLE III

USE OF THE PUBLIC SEWERS AND POTW

Section 3.1 General Discharge Prohibitions

No person shall discharge, or cause to be discharged, or allow to be discharged, directly or indirectly, into a public sewer or the POTW any of the following:

- (1) pollutants that may pass through the POTW or cause interference including, but not limited to, oxygen demanding pollutants (BOD, etc.) and/or toxic pollutants released at a flow rate or concentration, either singly or by interaction with other pollutants, that may injure or interfere with any wastewater treatment process, including sludge treatment and disposal, or constitute a hazard to humans or animals, create a public nuisance, create a toxic effect in the receiving waters or exceed the limitations set forth in federal, state, or local laws and regulations;
- (2) pollutants that may create a fire or explosive hazard in a public sewer or the POTW including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- (3) solid or viscous substances in such quantities or of such sizes as will cause obstruction to flow in sewers or interference with the POTW (see also Section 3.2.1(8) of this Article);
- (4) any hauled waste having a pH less than 5.0 or more than 11.0 or any wastewater having a pH less than 6.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW, public sewers or equipment or endangering human health (see also Section 3.2.1 (1) of this Article);
- (5) discharges which will inhibit biological activity in the treatment plant resulting in interference, and in no case discharges which cause influent temperature at the point of introduction into the treatment plant to exceed 104°F (40°C) (see also section 3.2.1 (2) of this Article);
- (6) radioactive wastes or isotopes of such half-life or concentration that exceed limits established by state or federal regulations;

- (7) petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that may cause interference or pass through (see also Section 3.2.1(3) of this Article);
- (8) pollutants which may result in the presence of toxic gases, vapors or fumes within the POTW or public sewers in a quantity that may cause acute worker health and safety problems;
- (9) trucked or hauled wastewater except at discharge points designated by the District in accordance with Section 3.3(2) of these Regulations;
- (10) substances that alone or in conjunction with other discharges will cause the District to violate its NPDES Permit or receiving water quality standards.
- (11) wastewater which has originated outside the District.

## Section 3.2 Specific Discharge Limitations

3.2.1 No person shall discharge, or cause to be discharged, or allow to be discharged into a public sewer or the POTW any of the wastes described below unless a permit therefor has first been obtained from the District, provided that such discharge is not otherwise prohibited in these Regulations or by other applicable state, federal or local laws or regulations. Any such permit shall be subject to: these Regulations and all applicable federal, state and local laws and regulations; any federally approved local limitations; such limitations as the District shall deem necessary to maintain adequate reserve capacity; such limitations as the District shall deem necessary to ensure that the discharge, in combination with all other discharges, shall not cause the Maximum Allowable Industrial Loadings as shown in Exhibit 1 to be exceeded; and such other limitations as may be approved from time to time by EPA in accordance with 40 CFR 403.5(c) and (d). In forming an opinion as to the acceptability of these wastes, the District will give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in public sewers, materials of construction of public sewers, nature of the sewage treatment plant, degree of treatability of

wastes in the sewage treatment plant, prevention of the introduction of pollutants that may be hazardous or toxic and other pertinent factors. The substances restricted by this Section include:

- (1) wastewater with a pH lower than 6.0 or higher than 11.0 standard units, except that if a user continuously measures the pH of its wastewater by a properly located, installed, calibrated, maintained and operated pH measurement system, temporary excursions outside of the foregoing range may be permitted provided that no individual excursion shall exceed fifteen minutes in duration and provided that the excursion shall remain within the limits set forth in Section 3.1(4), and except that the limitations in this subsection shall not apply to hauled wastes disposed of in accordance with Section 3.3 of this Article (see also Section 3.3 (11) of this Article);
- (2) wastewater having a temperature higher than 140°F (60°C) ;
- (3) wastewater containing fats, oils or grease in excess of 200 mg/L as measured by EPA approved methods using grab sample analyses or containing other substances which may solidify or become viscous at temperatures between 32°F (0°C) and 140°F (60°C), except that this limitation shall not apply to hauled wastes disposed of in accordance with Section 3.3 of this Article;
- (4) wastes containing toxic materials including, but not limited to, metals, inorganic pollutants, and organic pollutants, which may singly or by interaction with other wastes contribute to acute or chronic toxic effects in the POTW effluent, bioaccumulate in marine organisms, violate receiving water quality standards, inhibit biological wastewater treatment processes, contribute to worker health and safety and/or air quality violations or render wastewater treatment sludge unsuitable for disposal by land application, reuse or disposal as determined by the District;
- (5) wastewater with substances exerting or causing turbidity or discoloration in such quantities as

to change noticeably the color of the wastewater at the POTW including, but not limited to dye waters and vegetable tanning solutions;

- (6) wastewater containing taste or odor producing substances, in concentrations exceeding limits established by the District or state, federal, or other public agencies or which either singly or by interaction with other wastes are sufficient to create a public nuisance or are sufficient to prevent entry into public sewers or POTW for maintenance and repair;
- (7) any inflow including, but not limited to, storm water, roof runoff and street drainage, or uncontaminated cooling water that is sufficiently free from contamination to permit its discharge directly into a storm drain or water course;
- (8) improperly shredded garbage, defined as garbage that has not been shredded to such a degree that no particle is greater than one-half (1/2) inch or one and 27/100 (1.27) centimeters in any dimension, so that not all particles will be carried freely under the flow conditions normally prevailing in public sewers;
- (9) sludge as defined herein;
- (10) slug discharges as defined herein;
- (11) hazardous waste or wastewater resulting from treatment of hazardous or toxic wastes as designated under state or federal law or regulation including 310 CMR 40.00 and 42 USC § 9601(14) and discharged to the POTW or public sewers by dedicated pipe, truck, or rail;
- (12) discharges containing pathogenic organisms or medical wastes in such quantities as determined by appropriate local, state and/or federal regulations to be a hazard to public health or the health of treatment plant personnel;
- (13) filter backwash, sludges, screenings, or other residues from industrial pretreatment processes;
- (14) wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW as determined by the District;

- (15) wastewater causing any single reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW or public sewers of more than ten (10%) percent of the Lower Explosive Limit of the meter;
- (16) wastewater or waste containing metals including, but not limited to, cadmium, chromium, copper, lead, nickel, zinc and similar objectionable or toxic substances; or wastes exerting unusual BOD, chemical oxygen demand or excessive chlorine requirement, in concentrations above those normally found in domestic wastes;
- (17) except in the case of wastewater or waste that is subject to a site specific discharge limitation approved by EPA or the District, or any categorical limit, wastewater or waste containing BOD or TSS in excess of 500 mg/L as measured by EPA approved methods, except that these limitations shall not apply to Hauled Wastes disposed of in accordance with Section 3.3 of this Article;
- (18) wastewaters or wastes containing materials or having properties which the District has determined may exert an adverse effect on the POTW, the receiving waters, or sludge or sludge products or otherwise endanger any public property or constitute a nuisance.

3.2.2 The District may establish additional specific numeric and/or qualitative discharge limitations or limitations based on toxicity testing for individual users to be contained in individual discharge permits to meet the objectives of this Section.

- (1) In determining specific discharge limitations the District shall use procedures acceptable to EPA and MADEP in accordance with 40 CFR 403.5(c). The District may allocate pollutant loadings to individual industries based on factors including, but not limited to, whether and to what extent an industry is contributory with respect to a particular pollutant, flow, past discharge loadings, ability to provide pretreatment or reduce loadings, and the nature of the wastes in question, provided that the District shall not cumulatively allocate to Users a pollutant

loading greater than the treatment capacity of the POTW.

- (2) Individual industrial limits may be established as: uniform concentration limits applying to all industries; contributory flow limits for industries discharging small, medium, or large daily flows with separate limits for contributory and non-contributory industries; industry specific limits with separate limits for industries discharging low, medium or high concentrations of a specific pollutant; or by other allocation procedures as allowed by EPA and MADEP. Where categorical limits apply to industries for a specific pollutant, allocations will be made on the basis of those limits provided that in the District's opinion sufficient capacity is available to do so. The District reserves the right to establish criteria for determining concentrations or loadings defining low, medium and high concentration industries.
- (3) The District shall reserve a portion of the available treatment capacity as both a safety factor and to allow for new Industrial Users. Industrial User categories (i.e. small, medium, large or non-contributory) will be determined by the District for each applicable User. For existing Users for which there is sufficient qualified data, user categories may be based on past discharge concentrations and/or loads. Industrial User categories and wastewater treatment limits for new Industrial Users or for existing industries without sufficient data shall be established on the basis of the best information available to the District as to the types and quantities of pollutants expected to be discharged by the types of processes proposed to be used by the User and the current available treatment capacity.

### Section 3.3 Hauled Wastes

No person shall discharge, or cause to be discharged, or allow to be discharged into a public sewer or the POTW Hauled Wastes unless a permit has first been obtained from the District. For such discharge of Hauled Wastes other than septage, both the generator and the transporter shall obtain a permit. For the discharge of septage, only



the transporter shall obtain a permit. Any such discharge of Hauled Wastes shall be subject to the limitations established under Sections 3.1 and 3.2 of this Article and the following:

- (1) All Hauled Wastes brought to District facilities for treatment must originate within the District.
- (2) No person shall cause Hauled Wastes it has either generated or transported to be discharged into a public sewer or District facilities other than into the septage receiving facilities or other locations designated by the District.
- (3) All trucks will be charged the current rate for disposal of septage, industrial septage or water treatment residuals as established by the Board pursuant to Sections 4.3 and 4.8 of these Regulations. The minimum charge will be for 1000 gallons. Any truck over 1000 gallons will be charged on a pro-rated basis.
- (4) If any part of a load contains any matter in violation of these Regulations, the District may reject the load in its entirety.
- (5) Any person not paying a disposal bill (or any part thereof) in full within one month of billing shall forfeit the right to use District facilities until all bills are paid in full.
- (6) Any person desiring to use District facilities for treatment of Hauled Wastes it has transported must register the trucks to be used for hauling with the District indicating the following:
  - (a) the company or individual's name, address, and telephone number; and
  - (b) the capacity of each truck.
- (7) Upon registering, each truck will be given a numbered registration sticker which is to be placed on a window in the right front corner of the truck.
- (8) The driver of each truck delivering Hauled Wastes to District facilities shall complete a voucher for each load. The driver shall receive one copy for his records. The voucher shall contain certification and signatory requirements as determined by the District.

- (9) A sample of each truck load may be taken by the attendant and sent to the District laboratory for analysis. Split samples will be available upon request.
- (10) If the pH of a load is below 5.0 or over 11.0, the load will not be accepted. The District reserves the right to require verification of pH before the load is dumped.
- (11) Except in the case of a Hauled Waste that is subject to a site specific discharge limitation approved by EPA or the District, or any categorical limit, a Hauled Waste containing TSS or BOD in excess of 15,000 mg/L will not be accepted. The District reserves the right to require verification of TSS and or BOD concentration before the load is dumped.
- (12) If the concentration of FOG is above 10,000 mg/L, the load will not be accepted. The District reserves the right to require verification of the FOG concentration before the load is dumped.
- (13) If the laboratory analysis reveals any violation of District regulations, appropriate action shall be taken against the source of the Hauled Waste load and the person who delivered it.
- (14) The District may establish additional requirements for discharge of industrial septage and water treatment residuals, including limitations on discharge periods. Such additional requirements shall be established by individual user permits.

#### Section 3.4 National Categorical Pretreatment Standards

3.4.1 Federal Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471, as they may be established and/or amended by EPA from time to time, are hereby incorporated into these Regulations. If upon promulgation the Federal Categorical Pretreatment Standards are more stringent than applicable State requirements and/or local limitations imposed under these Regulations for sources in that subcategory, the Federal Standard shall immediately supersede the State requirements and/or the local limitations imposed under these Regulations, and shall be enforceable pursuant to the provisions of these Regulations.

3.4.2 Where a categorical pretreatment standard is expressed

only in terms of either the mass or the concentration of a pollutant in wastewater, the District may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- 3.4.3 When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the District may impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- 3.4.4 A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- 3.4.5 A user may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

#### Section 3.5 State Requirements

State requirements and limitations on discharges to public sewers shall apply if they are more stringent than the federal requirements and/or the limitations imposed under these Regulations.

#### Section 3.6 District Requirements

- 3.6.1 In accordance with, and consistent with the objectives of Article III, the District may establish specific limitations on pollutant discharges to the POTW. As noted in Section 3.2 of these Regulations, the Executive Director shall limit any specific pollutant discharge where such limitation is considered in the best interests of the District in properly maintaining and operating the POTW.
- 3.6.2 The District reserves the right to establish by amendment to these Regulations and/or by individual user permits, more stringent limitations or requirements as it deems necessary. The District may also, by individual user permits, establish less stringent limits or requirements, subject to EPA approval, where doing so serves a specific purpose and does not jeopardize the environment and is not otherwise inconsistent with other local, state or federal laws or regulations.

Section 3.7      Pretreatment by Dilution

No User shall increase the use of water or in any other manner attempt to dilute its wastewater discharge as a substitute for adequate treatment to achieve compliance with the Categorical Pretreatment Standards or other pollutant-specific limitations developed by the District, or imposed by state or federal requirements.

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ARTICLE IV

ADMINISTRATION

Section 4.1 Wastewater Discharge Permits

4.1.1 Applicability

- (1) Beginning with the effective date of these Regulations certain Users shall be required to obtain from the District a wastewater discharge permit as set forth in this Article. Previously issued wastewater discharge permits that are in effect on the effective date of these Regulations shall remain in effect, but shall be subject to these Regulations, until a new or modified permit is issued pursuant to these Regulations.
- (2) Existing Industrial Users previously required to obtain a wastewater discharge permit shall obtain a new or modified wastewater discharge permit. Existing Hauled Waste dischargers (generators and transporters) and Significant Industrial Users not previously required to obtain a wastewater discharge permit shall obtain a wastewater discharge permit. New sources and/or new Industrial Users shall obtain a wastewater discharge permit or a determination that a permit is not required before connecting to a public sewer or discharging, directly or indirectly into a public sewer or the POTW. New Hauled Waste dischargers shall obtain a wastewater discharge permit before discharging into District facilities. Any person proposing a wastewater modification as referred to in Section 2.2 of these Regulations shall obtain a modified wastewater discharge permit or a determination that such modification is not required before implementing the proposed change or connection.

4.1.2 Permit Application

- (1) Existing Industrial Users previously required to obtain a wastewater discharge permit and existing Hauled Waste dischargers shall complete and file with the District an application for a wastewater discharge permit or modified wastewater discharge

permit no later than ninety (90) calendar days after the effective date of these regulations. New sources and/or new Industrial Users shall complete and file with the District an application for a wastewater discharge permit no later than ninety (90) days prior to the proposed date for contributing to a public sewer or the POTW. New Hauled Waste dischargers shall complete and file with the District an application for a wastewater discharge permit no later than ninety (90) days prior to the proposed date for discharging into District facilities. All applications shall be signed by an authorized representative of the applicant.

- (2) When requested by the District, a User shall submit information on the nature and characteristics of its wastewater as part of a permit application or renewal request. The District may provide a form for this purpose. The District may require Users to submit as part of an application the following information:
  - (a) All information required in a Baseline Monitoring Report as provided in 40 CFR 403.12(b);
  - (b) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (d) Each product produced by type, amount, process or processes, and rate of production;
  - (e) Type and amount of raw materials processed (average and maximum per day);
  - (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
  - (g) Time and duration of discharges; and

- (h) Any other information as may be deemed necessary by the District to evaluate the wastewater discharge permit application.
- (3) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### 4.1.3 Permit Conditions

- (1) A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the District to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW and public sewers.
- (2) Wastewater discharge permits shall contain:
  - (a) A statement that indicates the wastewater discharge permit duration, which in no event shall exceed five (5) years;
  - (b) A statement that the wastewater discharge permit is not transferable without prior notification to the District in accordance with Section 4.1.7 of these Regulations;
  - (c) Effluent limits, including Best Management Practices, based on applicable pretreatment standards. Limits may be expressed as daily average, maximum instantaneous, monthly average or may be based on other time periods as deemed appropriate by the District;
  - (d) Pretreatment requirements, including self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law or regulation;

- (e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law or regulation.
- (3) Wastewater discharge permits may also contain, but need not be limited to, the following conditions:
- (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (c) Requirements for the development and implementation of slug discharge control plans, spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges, including notification requirements for accidental discharges or spills in accordance with Section 4.2.4 of these Regulations;
  - (d) Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
  - (e) Any schedule of user charges or fees for the management of the wastewater discharged to the POTW;
  - (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - (g) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with



all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;

- (h) Requirements for notification to the District at least forty-five (45) calendar days before any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW or public sewer; and
- (i) Other conditions as deemed appropriate by the District to ensure compliance with these regulations and state and federal laws, rules, and regulations.
- (j) Requirements for each Significant Industrial User to notify the POTW immediately of any changes at its facility affecting the potential for a Slug Discharge.

#### 4.1.4 Permit Decisions

The District will evaluate the data furnished by the User and may require additional information. Within 120 days of receipt of a complete wastewater discharge permit application, the Executive Director will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Executive Director may deny any application for a wastewater discharge permit.

#### 4.1.5 Permit Duration

Permits shall be issued for a maximum duration of five (5) years. Permits issued for a period less than five years shall expire on a specific date. Permit holders shall apply for reissuance of a permit at least ninety (90) days before its expiration.

#### 4.1.6 Permit Transfer Prohibited

A wastewater discharge permit shall be issued to a specific User for a specific operation. Permits shall not be reassigned, transferred or sold to a new User, transferred to a different premises, applied to a new or changed operation, or otherwise changed by the User.

#### 4.1.7 Modification of Permits

- (1) Any proposed change affecting a wastewater discharge permit including, but not limited to, a proposed change in ownership of the User's facilities or a proposed change in the User's operations, shall require an application for a modification of the wastewater discharge permit. In its discretion, the District may treat an application for a modification as an application for a new permit. No such change shall be implemented until a modification or new permit has been issued.
- (2) Application for modification of the permit shall be made at least thirty (30) days in advance of the proposed change. Failure to comply with the requirements to obtain a permit modification or new permit shall render the wastewater discharge permit void as of the date of the change.
- (3) The terms and conditions of any permit also may be modified by the District from time to time to conform with approved modifications made to the IPP in accordance with 40 CFR §403.18, to accommodate changed conditions, and as local, state, and federal law, rules and regulations are modified or amended. The District may also modify a permit to address changes in the POTW, public sewers, information indicating that the permitted discharge poses a threat to the POTW or receiving waters, violations of the permit, misrepresentation, variance from categorical pretreatment standards, typographical or other errors, transfer of ownership or operation. The User shall be informed of any proposed changes in the permit at least fifteen (15) calendar days before the effective date of such changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance which shall not exceed applicable federal deadlines.

#### 4.1.8 Group/Tenant Permits

The District reserves the right to require any Industrial User, including individual tenant occupants to comply with all provisions of these regulations. The District may, at its discretion, issue a single group discharge permit to a group of users or user association discharging to a single common private sewer or to the owner of the physical facilities housing one or more tenant users, where doing so is not inconsistent with

applicable federal, state or local law or regulation. In issuing such a permit, each individual user shall be held jointly and severally liable for all requirements of the permit and shall be liable for civil and/or criminal proceedings for any violation thereof. Each individual discharger shall be named in the permit and all information otherwise required for a discharge permit for an individual user shall be provided for each user. Additionally, if the permit is issued to a group of users or to a user association, the users shall specify by legally binding contract a common authorized representative of each user subject to the District's approval. Where required by the District or by any federal, state or local law or regulation, individual sampling and monitoring facilities shall be provided for each individual user covered by the permit. Such a group permit shall not be used to relieve any user from the individual responsibility to comply with these regulations or the requirements of any federal, state or local law or regulation.

#### 4.1.9 Appeal of Permits

- (4) The issuance of a wastewater discharge permit, the denial of any discharge permit application, an action to modify a discharge permit, or the refusal to renew a discharge permit may be appealed to the Board. The appeal must be made in writing no later than fourteen (14) calendar days after notification of the appealed action, and must contain complete and sufficient information for evaluation of the factors to be considered by the Board.
- (5) No later than thirty (30) calendar days after the filing of an appeal, the Board shall issue a written decision on the appeal, stating the reasons for the decision.
- (6) The wastewater discharge permit as issued, or the modification or denial thereof, as the case may be, shall remain in full force and effect pending the appeal. Notwithstanding the foregoing, existing Users appealing the Board's deemed denial of a requested permit modification or renewal shall be allowed to continue to discharge as previously permitted with no new discharge or substantial change as referred to in Section 2.2 of these Regulations, until the Board either issues a permit or until the appeals process is completed.

- (7) If the Board fails to act within thirty (30) days, an appeal shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (8) Aggrieved parties having the right to seek further judicial review of the final administrative wastewater discharge permit decision may file a complaint with the Superior Court.

#### 4.1.10 Signatory Requirements

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain a statement certifying the contents of the application or user report as follows:

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

### Section 4.2 Monitoring Requirements

#### 4.2.1 Monitoring Facilities

When required by the Board, the Industrial User of any property serviced by the POTW shall install, at the User's own expense, monitoring facilities to enable inspection, sampling, and flow measurement of the User's industrial wastewater. Such facilities shall be accessible and safely located and shall be constructed in accordance with plans approved by the Executive Director. The monitoring facilities shall be maintained by the User so as to be safe and accessible at all times. Any flow monitoring devices required by the Board shall be maintained and calibrated on at least a semi-annual basis to within five percent accuracy. More

stringent calibration requirements may be made by the District on a case-by-case basis.

#### 4.2.2 Sample Collection and Analysis

- (1) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Chapter I, Subchapter D, Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Chapter I, Subchapter D, Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Executive Director or other parties approved by EPA.
- (2) Except as indicated below, the User shall collect composite wastewater samples using flow proportional collection techniques. In the event flow proportional sampling is infeasible, the District may authorize the use of time proportional sampling or other sampling methods where the user demonstrates that such methods will provide a representative sample of the effluent being discharged.
- (3) All wastewater samples shall be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (4) If sampling performed by a User indicates a violation, the User shall notify the District within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Executive Director within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the District performs sampling at the User's facility at least once a month, or if the District performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling.
- (5) Samples for fats, oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques. Any User with pH control or subject to Federal limits for pH shall install monitoring of pH as required by the District.
- (6) For sampling required in support of baseline monitoring and 90-day compliance reports a minimum of four (4) grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Executive Director may authorize a lower minimum. For the reports required by paragraphs 40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

The User may be required to sample for additional or emerging contaminants or constituents as required by the USEPA, MADEP, or the District and as required by the User's wastewater discharge permit using applicable approved sampling and analytical methods.

#### 4.2.3 Reports and Record Keeping

- (1) Industrial Users shall perform such monitoring of their discharges as the District may reasonably require, including the installation, use, and

maintenance of monitoring equipment, keeping of records and reporting of results of such monitoring to the District. Reports that may be required include, but are not limited to, those required by EPA regulations at 40 CFR 403.12 and other reports as determined by the District, including:

- (a) baseline monitoring reports (40 CFR 403.12(b));
- (b) progress reports on compliance schedule for meeting categorical pretreatment standards (40 CFR 403.12(c));
- (c) report on compliance with categorical pretreatment standard deadline (40 CFR 403.12(d));
- (d) periodic reports on continued compliance (40 CFR 403.12(e));
- (e) notice of potential problems, including slug loading (40 CFR 403.12(f));
- (f) written reports detailing the cause of an accidental or slug discharge to be submitted to the District within five (5) days of such discharge;
- (g) notice of violation and results of resampling (40 CFR 403.12(g)(2));
- (h) results of additional monitoring (40 CFR 403.12(g)(5) and (6));
- (i) reports for significant noncategorical industrial users (40 CFR 403.12(h));
- (j) notification of changed discharge (40 CFR 403.12(j));
- (k) hazardous waste discharges (40 CFR 403.12(p));
- (l) All user reports shall comply with applicable signatory and certification requirements in accordance with the provisions of 40 CFR 403.12 (b) (6), 40 CFR, 403.12 (d) and 40 CFR 403.12 (e).

- (2) All significant Industrial Users shall, at a frequency determined by the Executive Director, submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Executive Director or the Pretreatment Standard necessary to determine the compliance status of the Use.
- (3) If an Industrial User subject to the reporting requirement in 40 CFR 403.12(e) or (h) monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in paragraph 40 CFR 403.12(g)(5), the results of this monitoring shall be included in the report.
- (4) Upon request by the District, Industrial Users shall make such records available to other agencies having jurisdiction over discharges to the receiving water. Users shall retain for a minimum of three (3) years any records of monitoring activities and results and shall otherwise comply with all record keeping requirements found at 40 CFR 403.12(o).

#### 4.2.4 Accidental Discharge/Slug Control Plans

- (1) The District shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan or other action to control Slug Discharges. New Significant Industrial Users shall be evaluated within one year of being designated a Significant Industrial User. The District may require any User to develop, submit for approval, and implement such a plan. Alternatively, the District may, in its discretion, develop such a plan for any User.
- (2) An accidental discharge/slug control plan shall address, at a minimum, the following:



- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the District of any accidental or slug discharge, as required by Section 4.2.3 of these regulations and 40 CFR 403.12(f) including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow up written notification within five days; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 4.3 District Control

4.3.1 If any waters or wastes are discharged or proposed to be discharged into the POTW or public sewers containing the substances or possessing the characteristics enumerated in Article III hereof or which otherwise create a hazard to life or constitute a public nuisance, the District may:

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge to the POTW or public sewers;
- (3) require control over the quantities and rates of discharge; or
- (4) require payment to cover the added cost of handling and treating the wastes and administering and enforcing these Regulations not covered by existing sewer charges under the provisions of Section 4.8.

4.3.2 If pretreatment or equalization of waste flows is required, the design and installation of the plants and equipment shall be reviewed by the District and shall comply

with the requirements of applicable ordinances, regulations and laws.

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

4.3.4 Users shall provide wastewater treatment or flow-equalizing facilities as necessary to comply with these Regulations and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in these regulations within the time limitations specified by EPA, the State, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these Regulations.

#### Section 4.4 Interceptors

Grease, oil or sand interceptors shall be provided by the User when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful wastes. All interceptors shall be of a type and capacity approved by the District and shall be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed to maintain original treatment efficiency, by the User at the User's expense.

#### Section 4.5 Public Access and Confidentiality

All information obtained by the District shall be considered public information. Subject to the requirements of applicable public

records laws, the District reserves the right to hold information, supplied by a User under these Regulations, as confidential if the User is able to demonstrate to the satisfaction of the District that the release of such information would divulge information processes, or methods of production entitled to protection as trade secrets of the User. However, wastewater effluent data, as defined by 40 CFR 2.302, obtained by the District or supplied by a User as required by these Regulations, shall not be considered as confidential and shall be available to the public without restriction. Any request for confidentiality must be asserted at the time of submission of the information or data.

Section 4.6 False Statements, etc. Prohibited

No person shall knowingly make any false statement or representation in or in connection with any application, record, report, plan or other document required by these Regulations nor falsify, tamper with, or knowingly render inaccurate any monitoring device or method required by these Regulations or by any order or permit issued hereunder.

Section 4.7 Pretreatment Violations Publication

The District shall publish at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW a list of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment Requirements.

Section 4.8 Charges and Fees

4.8.1 To provide for the recovery of costs from Users of the POTW for the implementation, administration, and enforcement of these Regulations, the District may establish charges and fees as follows:

- (1) Charges for monitoring, inspections, sampling, surveillance and analytical procedures;
- (2) Fees for reviewing plans for pretreatment facilities, sewer connections, accidental discharge procedures and construction;
- (3) Fees for permit applications or modifications;
- (4) Charges reflecting costs related to operation of the POTW, treatment of wastewater and administration of Industrial Pretreatment Program requirements.

4.8.2 Such charges and fees shall be published from time to time in a schedule duly adopted by the Board.

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## ARTICLE V

### ENFORCEMENT

#### Section 5.1 Enforcement Actions

5.1.1 Whenever, on the basis of information available to it, the District determines that any User has violated, is violating or may violate these Regulations or any prohibition, limitation or requirement contained in a Notice of Violation, order or permit issued under these Regulations, the District may take any or all of the following enforcement actions:

- (1) issue a written Notice of Violation, which may direct a User to submit a detailed schedule, subject to such modifications as the District deems necessary, setting forth actions to be taken to correct or prevent a violation;
- (2) enter into Consent Order agreements for voluntary compliance and civil administrative penalties;
- (3) issue an Administrative Order requiring the User to comply with such section or requirement;
- (4) issue an Administrative Order imposing upon the user an implementation schedule ordering specific actions and a time schedule;
- (5) order the suspension or termination of service in accordance with Sections 5.4 and 5.12 of these Regulations;
- (6) revoke, modify, deny, suspend or refuse to renew any permit issued to the User by the District in accordance with Sections 4.1 and 5.7 of these Regulations;
- (7) impose administrative penalties for each day of each violation and seek payment for damages pursuant to Sections 5.10 and 5.11;
- (8) bring a Civil Action in accordance with Section 5.13 of these Regulations;
- (9) seek criminal action as provided by law; or

(10) order a show cause hearing in accordance with Section 5.5 of these Regulations;

(11) take any other action available to it under federal, state or local laws, rules or regulations.

5.1.2 The enforcement actions and other remedies provided for in these Regulations are not exclusive. The District may pursue any, all or any combination of actions and remedies available to it against a User.

## Section 5.2 Notice of Violation

Whenever, on the basis of information available to it, the District determines that any User has violated, is violating or may violate these Regulations, or any prohibition, limitation or requirement contained in a Notice of Violation, order or permit issued hereunder, the District may serve upon such User a written notice stating the nature of the violation and requiring that the User provide the District with a written explanation of the reason for the violation and inform the District in writing of the action taken to correct the violation and prevent its recurrence within a reasonable time, not to exceed thirty (30) days. If with good cause shown, the User cannot achieve compliance within thirty (30) days, the User shall submit, for review and approval by the District, a plan for the correction of said violation. Any such review and approval shall not relieve the User of its responsibility for compliance. A Notice of Violation shall not be a prerequisite to, nor shall it preclude, any other action against the User.

## Section 5.3 Consent Orders

The District may enter into Consent Orders of voluntary compliance reached with a User responsible for non-compliance. Such orders shall include the specific actions to be taken by the User to correct the non-compliance within a time period also specified by the order, as well as the agreed amount of any civil administrative penalty. Consent Orders shall not be appealable. Consent Orders shall have the same force and effect as Administrative Orders issued pursuant to Section 5.6 below and shall be judicially enforceable.

## Section 5.4 Emergency Orders

5.4.1 Notwithstanding any other provisions of these Regulations, upon determination by the District that a discharge reasonably appears to present an imminent danger to the health or welfare of persons or to the

environment or threatens to interfere with the operation of the POTW or other District facilities, the District shall by informal oral or written notice order the User to immediately terminate its discharge or to take such corrective measures as are necessary to eliminate such threat, and to give written proof of such termination or other correction; and

5.4.2 After notice and such opportunity to respond as may be set forth in the notice, the District shall take action to halt or prevent the discharge. Such action may include, but shall not be limited to, any or all of the following: suspension of sewer service; assessment of civil penalties; bringing a Civil Action for injunctive or other appropriate relief as set forth in Section 5.13. The District shall reinstate sewer service and end the period of penalty assessment upon proof of the elimination of the non-complying discharge. A detailed written statement prepared by the User describing the cause of the harmful contribution and measures taken to prevent any future occurrence shall be submitted to the District within such period of time, not exceeding 15 days, following the occurrence as the District may order.

5.4.3 Action by the District under this section shall not be a prerequisite to, nor shall it preclude, any other action against the User.

#### Section 5.5 Show Cause Hearing

5.5.1 The District may order any User who has violated, is violating or may violate these Regulations or any prohibition, limitation or requirement contained in a Notice of Violation, order or permit issued hereunder, to show cause why a proposed enforcement action should not be taken. If the District orders such a hearing, a notice shall be served on the User specifying the time and place of the hearing, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause to the Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested)

at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

5.5.2 The Board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the District to:

- (1) Issue in the name of the Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence; and
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.

5.5.3 At any hearing held pursuant to these Regulations, testimony taken shall be under oath and may be recorded stenographically. Any transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

5.5.4 After the Board has reviewed the evidence, it may issue an Administrative Order to the User responsible for the discharge, and assess a civil penalty in such amount as it deems appropriate in accordance with the provisions of Section 6.5 of these Regulations, and/or direct that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

5.5.5 Except as provided in Section 5.12, the holding of a show cause hearing shall not be a prerequisite to, nor shall it preclude, any other action against the User.

## Section 5.6 Administrative Orders

### 5.6.1 Compliance Orders

Whenever, on the basis of information available to it, the District determines that any User has violated, is



violating or may violate these Regulations, or any prohibition, limitation or requirement contained in a Notice of Violation, order or permit issued hereunder, the District may serve upon such User an order requiring that the User come into compliance and/or take certain specified corrective or preventive actions pursuant to a specified time schedule. A Compliance Order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor shall a Compliance Order release the User of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a prerequisite to, nor shall it preclude, any other action against the User.

#### 5.6.2 Cease and Desist Orders

Whenever, on the basis of information available to it, the District determines that any User has violated, is violating or may violate these Regulations, or any prohibition, limitation or requirement contained in a Notice of Violation, order or permit issued hereunder, the District may serve upon such User an order directing it to cease and desist from all such violations and directing the User to:

- (1) Immediately comply with all requirements;
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a prerequisite to, nor shall it preclude, taking any other action against the User.

#### Section 5.7 Permit Action

The District may revoke, suspend, modify or refuse to renew any permit issued under these Regulations for cause. Such causes include, but are not limited to, the following:

- (1) violation of any terms or conditions of the permit or applicable law or regulation;
- (2) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;

- (3) intentionally falsifying or misrepresenting records, rendering inaccurate, tampering with or manipulating any monitoring device or method used or required by the District, to hide actual or potential violations of the permit or applicable law or regulation; or
- (4) intentionally violating or failing to comply with actions, orders, directives and/or assessments imposed pursuant to these Regulations.

The taking of a Permit Action shall not be a prerequisite to, nor shall it preclude, taking any other action against the User.

#### Section 5.8 Appeals

- 5.8.1 When a Notice of Violation, Administrative Order and/or an assessment notice is issued or a Permit Action is taken without a preceding Show Cause Hearing, the actions, orders, directives and/or assessments contained therein may be appealed to the Board. The appeal shall be made in writing no later than fourteen (14) calendar days after notification of the appealed action, and shall contain complete and sufficient supporting information for evaluation of the factors to be considered by the Board.
- 5.8.2 No later than thirty (30) calendar days after the filing of an appeal, the Board shall issue a written decision on the appeal, stating the reasons for the decision.

#### Section 5.9 Further Appeal

After the issuance of a final decision under either Section 5.5.4 or Section 5.8, a User having the right to seek judicial review of the decision may file with the appropriate court.

#### Section 5.10 Administrative Civil Penalties

Any User who violates any provision of these Regulations or any Notice of Violation, order or permit issued hereunder, shall be subject to an administrative civil penalty not to exceed Ten Thousand Dollars (\$10,000.00) per day for each day such violation continues and shall be liable for all costs and damages incurred by the District as a result of such violation. Each separate violation each day shall be subject to assessment of a separate penalty. Administrative assessment of penalties for such violations shall be made in accordance with the provisions of Article VI. Notwithstanding the foregoing, the District may proceed directly to court in accordance with Section 5.13 or may

enter into a Consent Order with a user specifying an agreed amount of a civil administrative penalty in accordance with Section 5.3.

#### Section 5.11 Costs and Damages

Any User who violates any provision of these Regulations or any Notice of Violation, order or permit issued hereunder, shall be liable for all costs and damages incurred by the District as a result of such violation, including, but not limited to, any or all of the following: expenses, charges, claims, attorney's fees, losses, penalties, cost of repairs or other costs and damages. Costs and damages may be assessed administratively in accordance with Section 5.10 and Article VI or pursuant to court action under Section 5.13 and Section 5.14.

#### Section 5.12 Termination of Discharge

5.12.1 In addition to the other actions set forth in this Article V, the District may terminate a User's discharge for any of the following:

- (1) Violation of one or more permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling;
- (5) Violation of discharge limitations set forth in these Regulations.
- (6) Any other violation which alone or in combination with other violations by the User warrants termination.

5.12.2 Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 5.5 of these Regulations why the proposed action should not be taken.

#### Section 5.13 Civil Actions

The District may bring a Civil Action for appropriate relief to enforce these Regulations, including any requirement of a Notice of Violation, permit or order issued hereunder, in a court of

competent jurisdiction. Such relief may include, but is not limited to, any or all of the following: a permanent or temporary injunction, the imposition of penalties or the recovery of costs and damages as set forth in Sections 5.10 and 5.11.

#### Section 5.14 Criminal Actions and Other Procedures

5.14.1 Without limiting the District's right to pursue other criminal actions under state or federal law, the District may pursue criminal proceedings under Section 14 of Chapter 339 of the Massachusetts Acts of 1925, as amended, against anyone who knowingly violates any of these Regulations or an order or permit issued hereunder or who makes any false representation in an application, record, report or plan, or who falsifies, tampers with or renders inaccurate a monitoring device or method required by any of these Regulations or an order or permit issued hereunder or who without lawful authority injures, destroys, or interferes with any property held or used by the District for the purpose of constructing, operating or maintaining the sewerage system. The penalty for any of the foregoing shall be payment of a criminal fine of not less than one thousand dollars nor more than ten thousand dollars per day for each day such violation continues and payment of all costs and damages incurred by the District as a result thereof or imprisonment for not more than one year, or both such fine and imprisonment.

5.14.2 Nothing in these Regulations shall prevent the District from pursuing other legal or equitable rights or remedies which may be available to it under federal, state or local law, rules or regulations.

#### Section 5.15 Miscellaneous

The District may, in its sole discretion, proceed with enforcement action under Section 5.13 or 5.14 with or without having first taken any other enforcement action hereunder. The taking of any other enforcement action hereunder shall not be a prerequisite to and shall not otherwise act as a bar to the District's bringing a civil action under Section 5.13 or pursuing other legal or equitable rights or remedies under Section 5.14. The issuance of a final decision under Section 5.5.4 or Section 5.8 shall not be a prerequisite to the District's proceeding under Section 5.13 or 5.14.

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ARTICLE VI

PENALTIES

Section 6.1 Assessment of Administrative Civil Penalties, Costs and Damages

An administrative civil penalty as provided for in Section 5.10 and costs and damages as provided for in Section 5.11 may be assessed by the District against a User in a written assessment notice delivered to the User. The form of notice shall include, but shall not be limited to, a Notice of Violation, Consent Order, Administrative Order or decision. Each such assessment notice shall:

- (1) contain a concise statement of the violation and the date of violation for each penalty assessed;
- (2) state the amount of each penalty assessed and the factors considered in determining the amount;
- (3) state the amount and type of the costs and damages incurred or to be incurred by the District as a result of the violation(s); and
- (4) state the procedure and deadline for payment of the penalty, costs and damages.

Section 6.2 Procedure for Payment of Administrative Civil Penalties, Costs and Damages

6.2.1 Administrative civil penalties, costs and damages shall be paid by certified check, cashier's check, or money order payable to the South Essex Sewerage District.

6.2.2 Administrative civil penalties, costs and damages each shall be paid in full within thirty (30) days of service of the assessment notice. The payment requirement shall be stayed during the pendency of a hearing sought pursuant to these Regulations.

Section 6.3 Procedure for Payment of Judicially Determined Civil or Criminal Penalties, Costs and Damages

6.3.1 All civil penalties, costs and damages awarded to the District as a result of a civil action brought by the District pursuant to Section 5.13 or as a result of an appeal by a User pursuant to Section 5.9, and all criminal

finances, costs and damages as a result of criminal proceedings brought pursuant to Section 5.14, shall be paid to the District by certified check, cashier's check, or money order payable to the South Essex Sewerage District.

6.3.2 Penalties, costs and damages shall be paid in full within thirty (30) days of a final judgment or within such other period as may be determined by the court.

Section 6.4 Costs of Collection

A person who fails to pay penalties, costs and damages in full and on time shall be liable to the District for costs, interest and attorneys fees incurred in collecting the payment, in addition to any other liability or penalty resulting from such failure to pay.

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## ARTICLE VII

### POWERS AND AUTHORITY OF INSPECTORS

#### Section 7.1 Right of Access

District personnel, bearing proper credentials and identification shall have a right of ready access to any premises in which an effluent source is located or in which any records required to be maintained under Section 4.2.3 of these Regulations are located at reasonable times of operation for inspection, sampling, records examination, records copying, or other purposes relating to District activities. The District shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspections, compliance monitoring, and/or metering. Where a User has security measures requiring proper identification and clearance before entry, the User shall make necessary arrangements so that upon presentation of suitable identification, personnel from the District are permitted to enter, without delay.

#### Section 7.2 Safety Requirements

While performing necessary work on private properties, District personnel shall observe safety rules for the premises established by the User. The User shall be held harmless for injury or death to District personnel and the District shall indemnify the User against liability claims growing out of the work performed by District personnel, except as may be caused by negligence or failure of the User to maintain safe conditions.

#### Section 7.3 Easements

The duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW 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. The provisions of this Section are in addition to and complementary to the provisions of Section 7.1 and do not limit or restrict in any way the general nature of the rights accorded to the District or the obligations imposed upon Users by Section 7.1.

Section 7.4            Denied Access

In addition to the enforcement actions and remedies available under Article V of these Regulations, if District personnel have been refused access to a building, structure or property or any part thereof, and if the District has demonstrated probable cause to believe that there may be a violation of these Regulations or that there is a need to inspect as part of a routine inspection program designed to verify compliance with these Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the District may petition the appropriate court to issue a search and/or seizure warrant.

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## ARTICLE VIII

### VALIDITY

#### Section 8.1 Effective Date

These revised Regulations shall be effective following: 1) Notice of a decision to approve the revised Regulations by the Approval Authority, pursuant to 40 CFR 403; and 2) A vote by the Board approving the revised Regulations. Upon the effective date of these Regulations, all prior Sewer Use Regulations enacted by the District shall be superseded by these Regulations.

#### Section 8.2 Severability

If any provision, paragraph, word, section or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

#### Section 8.3 Section Titles

The article and section titles in these Regulations are descriptive only and have been provided for ease of reference. They are not intended, nor shall they be interpreted, to limit these Regulations in any way.

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**EXHIBIT 1**

**TO**

**SOUTH ESSEX SEWERAGE DISTRICT  
SEWER USE REGULATIONS (REVISION 11.05)**

**MAXIMUM ALLOWABLE INDUSTRIAL LOADINGS**

<b>Pollutant</b>	<b>Maximum Allowable Industrial Loading (lbs./day)</b>	<b>Other Limits</b>
Aluminum	617	
Arsenic	1.26	
Cadmium	1.96	
Chromium	45.83	
Chromium (+6)	308.62	
Copper	16.83	
Cyanide	8.58	
Lead	17.96	
Mercury	0.65	
Molybdenum	3.03	
Nickel	17.50	
Selenium	2.58	
Silver	9.18	
Zinc	78.24	
Sulfide	283.48	
BOD <sub>5</sub>	13,510	
TSS	15,570	
pH	-	6.0 – 11.0 Standard Units
pH (Hauled waste only)	-	5.0 – 11.0 Standard Units
Oil and Grease	-	200 mg/l