

Sewer Rules and Regulations

GENERAL REFERENCES

See Sewer Ordinance – Chapter 147

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ARTICLE I. General Provisions and Definitions

Section 1. Authority

These Sewer Regulations are promulgated by the Fitchburg, Massachusetts Water-Wastewater Commission (Commission) under Chapter 147: Sewers, of the City of Fitchburg Code of Ordinances, hereinafter referred to as the ‘Sewer Ordinance’.

Section 2. Applicability

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

Section 3. Purpose

These Regulations are intended to protect the public health, safety and welfare and the environment and to ensure proper and safe operation of the City’s sanitary sewers and combined sewers by regulating the direct and indirect discharges of waste to the City’s wastewater system. These Regulations are also intended to prohibit and remove illicit connections and unauthorized discharges to the City’s wastewater system. This includes the legal authority to carry out all inspection, surveillance and monitoring procedures necessary to comply with this Regulation.

Section 4. Severability

If any provision, paragraph, sentence, or clause of these Regulations shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Section 5. Right to Amend Regulations

The Commission reserves the right to amend these Regulations in any manner and to establish additional limitations or requirements as are deemed necessary or appropriate.

Section 6. Federal, State, and Local Regulations

No provision of these Regulations shall be deemed to contravene or render ineffective any valid federal, state or local regulation.

Section 7. Definitions

Terms which are not defined herein shall be interpreted as defined in the most recent edition of *Glossary-Water and Wastewater Control Engineering*, published by the Water Pollution Control Federation (WPCF) [now called the Water Environment Federation (WEF)], Washington, D.C. Throughout these Regulations, “*shall*” means mandatory, and “*may*” means permissive. The following terms shall have the following meanings:

Aliquot: shall mean a divisor or factor of a quantity, constituting a sample.

Backwater valve also referred to as a “**back-flow valve**”, “**check valve**” or “**back-flow preventer**”: shall mean a device installed in a building drain or a building stormwater drain to prevent the discharge from the building, or flows originating outside the building, from flowing back into the building.

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Building combined sewer lateral: shall mean the pipe, which connects a building drain carrying waste to a combined sewer or other place of disposal. The building combined sewer lateral begins 10 feet outside the inner face of the building foundation wall and extends to and includes the connection to the City or private wastewater systems.

Building stormwater drain lateral: shall mean the pipe, which connects a building drain conveying stormwater to a stormwater drain, combined sewer, or other place of disposal. The building stormwater drain lateral begins 10 feet outside the inner face of the building foundation wall and extends to and includes the connection to the City's stormwater drain, combined sewer or private combined sewer or stormwater drain.

Bypass: shall mean an intentional or negligent diversion of a wastestream, by direct or indirect means.

Catch basin: shall mean a structure used to collect runoff and divert it to the stormwater or combined collection system.

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

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

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

Common manhole (CMH): shall mean a structure allowing access to both sanitary or combined sewer, and stormwater drainage systems typically configured to allow sanitary sewer or combined sewer pipes and stormwater pipes to pass through the same structure where flows are separated by a horizontal plate or vertical wall.

Connection: shall mean the point where a sewer or combined sewer is joined to another sewer.

Construction Site Dewatering: shall mean any water that is directly or indirectly discharged to the City of Fitchburg collection system from a construction site.

Conventional Pollutant: shall mean as specified under the Clean Water Act, conventional pollutants including solids, coliform bacteria, high biochemical oxygen demand, pH, oil and grease.

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

Demolition Permit: shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property

DEP, or MADEP, or MassDEP: shall mean the Massachusetts Department of Environmental Protection.

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

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

Downspout: shall mean a pipe, which conveys Stormwater from the roof of a building into a Stormwater drain or combined sewer or into or onto the ground. Also called a roof drain or roof leader.

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Drain: shall mean a horizontal pipe that carries waste, water or waterborne waste in a drainage system, whether natural or artificially constructed, enclosed or open.

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

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

EPA Site Dewatering Permit: shall mean the written approval of EPA to Owners and/or operators of sites that discharge groundwater and/or stormwater from construction dewatering activities discharging to waters of the Commonwealth of Massachusetts. Owner's and/or operators will be required to submit a Notice of Intent to EPA-New England to be covered by the appropriate general permit and will receive a written notification from EPA-New England of permit coverage and authorization to discharge under the general permit.

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

FHD: shall mean the Fitchburg Health Department.

Garage: shall mean any building wherein one or more motor vehicles are serviced, kept or stored and shall include (without limitation) a public or private garage, carport, motor vehicle repair or paint shop, service station, lubritorium, car wash, gasoline station with grease pits or wash racks, or any building used for similar purposes.

Grease trap: shall mean a receptacle designed to collect and retain or remove grease, oils and fatty substances from waste normally resulting from the commercial/industrial handling, preparation, processing, cooking or dispensing of food and related equipment. Also called a “**grease interceptor**” in the *Uniform State Plumbing Code, 248 CMR 2.00*.

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

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

- Is identified as a hazardous waste by EPA pursuant to the *Resource Conservation and Recovery Act, 42 USC 6901, et seq.*, and is listed in *40 CFR Part 261*, as amended from time to time;
- Has any of the hazardous waste characteristics identified by EPA in *40 CFR Part 261* as amended from time to time;
- Has been identified by DEP as a hazardous waste pursuant to *M.G.L. c. 21C* and is listed in *310 CMR 30.000*; as amended from time to time; or
- Has any of the hazardous waste characteristics identified by DEP in *310 CMR 30.000*, as amended from time to time.
- A waste that would be a hazardous waste pursuant to the EPA or DEP criteria, but for the fact that it is discharged to the sanitary sewer or combined sewer system shall be, for purposes of this definition, a hazardous waste unless it is in waste which is discharged to the sewer or combined sewer system pursuant to a permit issued under these Regulations and in compliance with the City's discharge limits.

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Illicit connection, also called an **illegal connection**: shall mean any connection which allows stormwater to discharge to a sanitary sewer, or sanitary sewer to discharge to the stormwater drainage system, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of these Regulations.

Individual Wastewater Disposal System: shall mean a privately-owned septic tank, cesspool or similar self-contained receptacle or facility which collects, treats or otherwise disposes of waste as defined under *310 CMR 15.000 (Title 5)*.

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

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

Interconnection: shall mean a physical connection between a sanitary or combined sewer and stormwater drain which allows the flows to intermix.

Lateral: shall mean a building sewer lateral or a building drain.

Leachate: shall mean the water that collects and contaminates as it percolates through wastes, pesticides or fertilizers, and may result in hazardous substances entering surface water, groundwater or soil.

Licensed Drain Layer: shall mean a person authorized in writing by the DPW to install, maintain and repair sanitary sewers, combined sewers, and building sewer laterals within the City of Fitchburg.

Main: shall mean a sanitary sewer drain or combined sewer drain that collects and conveys flows from other sanitary sewer drains or combined sewer drains.

Manhole: shall mean a structure allowing access to wastewater and stormwater systems.

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

National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Dewatering: shall mean the written approval of EPA to Owners and/or operators of sites that discharge groundwater and/or stormwater from construction dewatering activities discharging to waters of the Commonwealth of Massachusetts. Owner's and/or operators will be required to submit a Notice of Intent (NOI) to EPA-New England to be covered by the appropriate general permit and will receive a written notification from EPA-New England of permit coverage and authorization to discharge under the general permit. Owners and operators may be granted authorization to discharge groundwater and stormwater generated wastewaters into waters of Massachusetts. Discharges authorized under this general permit must be treated in a settling basin or other treatment system designed to remove total suspended solids unless the DEP specifically waives that requirement for individual applicant. Construction dewatering activity under this permit is defined as pumped or drained discharges of groundwater and/or stormwater from excavations or other points of accumulation of association with a construction activity.

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

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National Prohibitive Discharge Standard or Prohibitive Discharge Standard: shall mean any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

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

Non-point source pollution (NPS): shall mean pollution which occurs when water runs over land or through the ground and picks up natural and human-made pollutants, and discharges them in surface waters or introduces them into groundwater.

Oil/water separator: shall mean a receptacle designed to separate petroleum-based oil and grease from water. Also called a “trap” or “interceptor”.

Outfall: shall mean the point of discharge from a stormwater drain or combined sewer overflow to a water body, wetland or land surface. Also called an “outlet”.

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

Particle separator: shall mean a receptacle designed and installed to separate sand, grit and oil from water. Also called a “solids separator/interceptor”.

Point source pollution: shall mean pollution caused by any discernible, confined, and discrete conveyance to surface water or groundwater, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, vessel or other floating craft and container.

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

Private infiltration or inflow: shall mean infiltration and or inflow originating from a private sewer.

Private sewer: shall mean a sewer that is not owned by the City. Private sewers include but are not limited to building drains (waste), building sewer laterals and manholes located on private property and not located within an easement held by the City or other public agencies. The owner of the private sewer is also responsible for the connection from a private sewer to the main of the public wastewater system.

Public combined sewer: shall mean a combined sewer that is owned by the City.

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

“Recreational spray” or “sprinkler pool” or “recreational fountain”: shall mean an outdoor spray or sprinkler pool, which is designed and constructed for the purpose of human contact recreation.

Regulator: shall mean a device for regulating the diversion of flow in a combined sewer.

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

“Roof Drain” or “roof leader”: See “Downspout”

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Runoff: shall mean that part of precipitation, snow melt, or irrigation water, which is not absorbed into the ground. Instead, it flows over the land into streams, other surface bearing water or drainage structures.

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

Sewage: shall mean the spent water of a community, which may be a combination of liquid and water-carried wastes from residences, commercial buildings, industrial facilities and institutions, together with leachate and construction site dewatering, and exclusive of groundwater, surface water, and/or stormwater.

Sewer extension: shall mean the addition to a wastewater system of a sanitary or combined wastewater pipe, together with appurtenant works, which when connected to the wastewater system becomes the property of, and is operated and maintained by, the person owning the wastewater system.

Site plan: shall mean a plan of land indicating the general location and boundaries of the lot, major anticipated changes in natural features, existing and proposed buildings, pervious and impervious surfaces, existing and proposed curb cuts, infrastructure, topographic, intended changes and external utilities that will be utilized.

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

Solid Waste: shall mean any unwanted or discarded solid material, consisting of putrescible or non-putrescible solid waste material.

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

Toxic organics: shall mean organics listed as toxic in federal or state laws or regulations.

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

Waste oil: shall mean used and/or reprocessed, but not subsequently re-refined, oil that has served its original intended purpose. Waste oil includes, but is not limited to, used and/or reprocessed fuel oil, engine oil, gear oil, cutting oil, and transmission fluid and dielectric fluid. Waste oil does not include oils used in food preparation.

Wastewater Discharge (non-industrial): shall mean the non-industrial discharge of waste to the City's Sewer system and shall be authorized only with written authorization from the DPW.

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

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

ARTICLE II. Use of Wastewater Systems

Section 8. Public Wastewater System

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

Section 9. Private Wastewater Systems

All private sewers and appurtenant structures that connect to the City's wastewater system shall be controlled as to system discharge to the City wastewater system, by the DPW, but shall be constructed, installed, maintained, repaired, and operated by their Owners, at the Owner's expense. All private sewers that connect to the City's wastewater system shall be constructed, installed, maintained, repaired, and operated to the satisfaction of the DPW.

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

Section 10. Permit to Enter City's Wastewater System

No person shall enter or install equipment into the City's wastewater system without first obtaining written authorization from the DPW.

Section 11. Sewer Connection Permit

- A. Connection to the City's wastewater system shall be subject to the availability of capacity in the system as determined by the DPW. Connections shall be made in compliance with all federal, state and local rules, regulations and specifications.
- B. There shall be three classes of building sewer permits: single-family residential, multifamily and commercial, and industrial. In each case, the owner or his or her agent shall apply to the DPW for a permit. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commissioner.
- C. Connection costs. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. Prior notice. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system and requiring a change in the existing connection shall obtain a Sewer Connection Permit from DPW Engineering prior to connection of the new or modified discharge to the City's Collection System. All Sewer Connection Permit applications must be accompanied by a Utility Site Plan approved by DPW Engineering Division.
- E. Connections to different buildings. A separate and independent building sewer shall be provided for every building.
- F. Existing and new building sewers. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Commissioner, or his agents, to meet all requirements of the Sewer Ordinance and these Rules and Regulations promulgated

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thereunder. Any costs involved in examinations and tests shall be paid by the person making the application for a permit.

- G. A sewer connection permit or written authorization from DPW shall be required prior to the reconstruction, repair, or modification of an existing building sewer lateral which connects to a City sanitary sewer or combined sewer within the City.
- H. Inspection and supervision by Commissioner. The applicant for the building sewer permit shall notify the Commissioner when the building sewer is ready for inspection and connection to the public sewer. The sewer connection shall be made under the supervision of the Commissioner, or his/her representative.

Section 12. Sewer Permit Fee

See Sewer Ordinance for Sewer Connection Permits fees.

Section 13. Petitions for Sewer Main Extensions

See Sewer Ordinance for Sewer Main Pipe Extension Permits.

Section 14. Special Facilities

When required by the DPW, a User shall design, construct, install, operate and maintain special facilities, which will provide for the regulation and control of the rate, volume and characteristics of waste discharged to the City's wastewater system. The design of such special facilities shall be subject to the approval of the DPW. Such special facilities shall be designed, constructed operated and maintained at the Owner's expense. The DPW shall have the right to inspect such special facilities in accordance with Section 43 to ascertain compliance with these Regulations.

Article III. Building Laterals, Connections, and Appurtenances

Section 15. Separate Building Sewer Laterals and Building Stormwater Drain Laterals

Separate and independent building sewer laterals and building stormwater drain laterals shall be provided for all new or substantially rehabilitated buildings. Where one building stands behind another on an interior lot, and no private sewer or stormwater drain is available or can be constructed to the rear of the building through an adjoining alley, court, yard, or driveway, the building sewer lateral may be extended from the front building to the rear building provided that prior written approval and all necessary permits for the extension are obtained from the DPW, the Building Department and the Health Department.

Section 16. Existing Building Sewer Laterals

- A. If the DPW approves, through written authorization, and the Owner obtains all necessary permits, existing building sewer laterals may be used to accommodate new wastewater. The costs of any examination and testing required by the DPW as a precondition to such approval shall be at the Owner's expense.
- B. If examination and testing lead DPW to deem that the existing lateral is non-conforming to minimum standards, the lateral shall be required to be brought into compliance by the Owner, at the Owner's expense.

Section 17. Gravity Discharge to Sewer

Unless approved in writing by the Commissioner of Public Works, or his/her designee, and the Owner obtains all necessary permits from the DPW, all new or substantially rehabilitated building's sewer laterals shall discharge by gravity to the City separate sanitary sewer or combined sewer. The Building Drain shall be brought to the building at an elevation three feet (minimum) below finished grade at the penetration through the building envelope. Those buildings in which any building sewer lateral is too low to permit gravity discharge, wastewater shall be lifted by an approved means and allowed to discharge by gravity (i.e., not under pressure) to the City sewer or combined sewer.

Section 18. Wastewater-Stormwater Separation

- A. The plumbing of any new or substantially rehabilitated building shall be so constructed as to keep all stormwater, surface water, groundwater, roof and surface runoff, subsurface drainage, uncontaminated cooling water, and non-contact industrial process water separate from sanitary sewage and industrial wastes, and from the building sewer lateral.
- B. The building drain conveying sewerage from plumbing fixtures within the building shall discharge to a building sewer lateral, while the building drain conveying stormwater and other drainage shall discharge to a building stormwater drain lateral.
- C. Where separate stormwater drains and sanitary sewers are provided and where the DPW has determined that on-site retainage of stormwater is not possible, building Stormwater drain laterals shall be connected to a stormwater drain. Connection of a building stormwater drain lateral to a sanitary sewer is prohibited.
- D. Where separate stormwater drains and sanitary sewers are provided, building sewer laterals shall be connected to a sanitary sewer. Connection of a building sewer lateral to a stormwater drain is prohibited.

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- E. When discovered and confirmed to exist, the DPW shall require the Owner to eliminate a source of private infiltration or inflow to the sanitary sewer system or the combined sewer system.

Section 19. Prohibited Connections

- A. In order to prevent the direct discharge of wastewater to receiving waters under dry weather conditions, a building sewer lateral shall not be connected to a combined sewer overflow.
- B. Building sewer connections for new or substantially rehabilitated buildings shall not be made directly to City-owned manholes unless written authorization is issued by the DPW.
- C. Connection of an “individual wastewater disposal system” as herein defined, whether directly or indirectly to a City sanitary sewer, combined sewer, or stormwater drain is prohibited. “Individual wastewater disposal systems” shall include, but not be limited to: an individual residential home septic system or tight-tank system; a multi-family residential home septic system or tight-tank system; a commercial or industrial property septic system, or onsite decentralized treatment system; or an onsite decentralized treatment system servicing multiple properties.

Section 20. Backwater Valves

- A. All existing or new building drains from plumbing fixtures subject to backflow from a public sewer or combined sewer, or a private sewer connected to a public wastewater system which is subject to backflow, shall be required to have backwater valves installed at the Owner’s expense.
- B. Any plumbing fixture located at an elevation below the surface elevation of the roadway containing the public wastewater system serving the fixture shall be considered to be subject to backflow. Backwater valves shall be installed in accordance with the *Uniform State Plumbing Code, 248 CMR, Section 2.09:(4)* and the DPW's *Requirements for Site Plans*.
- C. Operation, inspections, maintenance, repairs or replacement of backwater valves shall be the responsibility of the Owner, and at the Owner’s expense.

Section 21. Cleanouts and Floor Drains

- A. Where a new building is to be constructed which is set back three feet or more from the property line, the City has the authority to require the Owner to install a cleanout on the portion of the building sewer lateral on the Owner’s property.
- B. Floor drains shall be connected to the building sewer lateral.

Section 22. Oil/Water Separators for Garages

An Owner of a building or business requiring an oil/water separator pursuant to these regulations shall be required to obtain written authorization from the DPW, which shall comply with the following:

- A. Oil/water separators shall be required on sewers or combined sewers directly or indirectly tributary to the City’s wastewater system from existing and new garages, services stations, enclosed parking areas, and other establishments capable of discharging petroleum-based oil or grease, flammable wastes, sand, or other harmful substances. Discharges from oil/water separators shall be directed to a sanitary or combined sewer and not to a stormwater drain.
- B. The determination as to whether an oil/water separator is required rests with the DPW. The type, capacity, location and construction of all oil/water separators shall be approved by the DPW, and shall be located so as to be readily accessible for maintenance and inspection. The DPW shall have the right to inspect such facilities in accordance with Section 43 of these Regulations.

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- C. Where oil/water separators are required, they shall be installed and maintained continuously to satisfactory and effective operation by, and at the expense of the Owner or User. Both the Owner of the premises where an oil/water separator is required, and the Owner or operator of the establishment or business conducted on the premises shall be jointly and severally responsible for installing an oil/water separator acceptable to the DPW, and for properly servicing and maintaining an oil/water separator.
- D. The Owner or operator of the establishment or business conducted on the premises where the oil/water separator is located shall maintain a log describing the date and type of all services and maintenance performed in connection with the oil/water separator, the identity of the person who performed the service or maintenance, the amount of residue removed from the oil/water separator on each date, and the method of disposal of the residue. The log entries shall be maintained for six years and shall be made available for inspection and copying by the DPW. The schedule for service and maintenance of an oil/water separator shall be subject to approval by the DPW.
- E. In addition to complying with these Regulations, oil/water separators shall conform to the regulations of the *State Uniform Plumbing Code, 248 CMR 2:00*, and all other applicable laws.

Section 23. Fats, Wax, Oils and Grease

Fats, oils, grease, oil and sand interceptors shall be provided when, in the opinion of the Commissioner or his/her designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioner or his/her designee, and shall be located as to be readily and easily accessible for cleaning and inspection. The DPW shall have the right to inspect such facilities in accordance with Section 43 of these Regulations.

Article IV. Requirements for Design and Construction of Facilities

Section 24. Design and Construction Standards

New building sewer laterals, other private sewers, grease traps, oil/water separators, appurtenances, and other wastewater facilities tributary to the City's wastewater systems shall be designed and constructed in conformance with current DPW standards and specifications. In the absence of such specifications, the materials and procedures set forth in *the American Society for Testing and Materials*, the *WEF Manual of Practice No. 9, Design and Construction of Urban Stormwater Management Systems and Gravity Sanitary Sewer Design and Construction*, *New England Interstate Water Pollution Control Commission Guides for the Design of Wastewater Treatment Works (TR-16)*, *Title V of the State Environmental Code* and the *Uniform State Plumbing Code, 248 CMR 2.00* or their amendments shall apply, subject to the prior written approval of DPW.

Section 25. Connection Requirements

- A. Conformity to regulations. 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. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code, or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be pre-approved by the Commissioner before installation.
- B. The building drain conveying sewerage from plumbing fixtures within the building shall discharge to a building sewer lateral, while the building drain conveying stormwater and other drainage shall discharge to a building stormwater drain lateral.
- C. Where separate stormwater drains and sanitary sewers are provided and where the DPW has determined that on-site retainage of stormwater is not possible, building stormwater drain laterals shall be connected to a Stormwater Drain. Connection of a building stormwater drain lateral to a Sanitary Sewer is prohibited.
- D. Where separate stormwater drains and sanitary sewers are provided, building sewer laterals shall be connected to a Sanitary Sewer. Connection of a building sewer lateral to a Stormwater Drain is prohibited.
- E. Gravity flow not possible. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by means, subject to review and approval of DPW, and discharged to the building sewer.
- F. Safety requirements. All excavations for building sewer installations shall be adequately guarded by the applicant with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner and to a condition satisfactory to DPW.
- G. Design of future connections. Future connections to facilities constructed by the City shall be designed according to criteria established by the Commissioner and constructed by the person desiring the additional connection, after review and approval of the plans and specifications by the Commissioner.

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- H. Common building sewer connections (a sewer service lateral servicing more than one building structure) shall not be allowed unless express written approval has been obtained by the Owner, and from the DPW Commissioner, or his/her designee.

Section 26. Sewer Main Extensions

- A. The request for authorization for a sewer main extension shall be supplemented by building site plans, or by such other permits, plans, specifications, and information, as the DPW may require.
- B. Installation and construction of sewer main pipe extensions shall continue at the sole discretion of the Commissioner of Public Works, or his/her agents, as frost and weather conditions permit.
- C. In all subdivisions subject to MGL c. 41, § 81L, the following shall be approved by the local Planning Board and the Commissioner of Public Works. The right-of-way in which the sewer main pipe is to be installed shall be laid out and the lines and grades established and approved by the Commissioner of Public Works.
- D. Sewer main pipe extensions shall be installed along the entire frontage of the applicant's premises or, in the case of corner lots, along the entire frontage abutting the public right-of-way in which the main pipe is to be installed or as approved by the Commissioner of Public Works, or his/her agents.
- E. The size of the sewer main pipe to be installed shall be determined and certified (by endorsement of engineered plans with the designer's Massachusetts Professional Engineer's stamp) by the applicant's design engineer, and approved by the Commissioner of Public Works.
- F. Applicable fees shall be paid at the time the request is filed at a rate determined annually by the Commission.
- G. Construction, reconstruction, repair or modification of the building sewer lateral or building combined sewer lateral shall not proceed until written authorization has been obtained. A DPW inspector will be assigned to inspect construction, reconstruction, repair or modification of the building sewer lateral or building combined sewer lateral and connection to a City sanitary sewer or combined sewer.

Section 27. Temporary Construction Site Dewatering Permit Application

The Owner of a facility for temporary construction site dewatering shall complete and file with the EPA an application or Notice of Intent (NOI) to Discharge, on a form available from the EPA in accordance with their requirements. A completed copy of the approved NPDES General Permit for Construction Dewatering shall be provided to the DPW. The Owner shall not commence discharging until issued written authorization from the DPW for temporary construction site dewatering. If a discharge is conveyed to a wastewater system, the discharge shall be metered and the sewer charge will be applied by the DPW and shall be the responsibility of the permittee.

Section 28. Bonding Requirements

The DPW shall have the right to require that any person proposing to construct, repair or modify a building drain, building sewer lateral, other private sewer, grease trap, oil trap, and other wastewater facility tributary to the City's wastewater systems post a bond, in accordance with Chapter 157, in a form satisfactory to the City and in an amount and for a period of time that the DPW deems sufficient to guarantee construction quality and operating performance.

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Section 29. Drain Layer Requirements

All building sewer lateral and building combined sewer lateral installation, repair or maintenance work shall be performed by a drain layer meeting bonding requirements set forth in Section 28.

All excavation in any part of any street or sidewalk shall be subject to an Excavation Permit in accordance with Chapter 157 of the City Code of Ordinances and the City of Fitchburg Department of Public Works Trench Restoration Policy.

Section 30. Violations to be Reported

All bonded drain layers are required to give a full written report to the DPW within 24 hours if, in the course of performing their work:

- A. Prohibited substances are found in a building drain, building sewer lateral, or building stormwater drain lateral, or plumbing is found that would allow discharges of such substances to a building drain, building sewer lateral, or building stormwater drain lateral;
- B. Interconnections or illicit connections (including sump pumps connected to the sanitary sewer) are observed;
- C. A defect or deterioration of the building drain, building sewer lateral, building combined sewer lateral or building stormwater drain lateral is observed; or
- D. A defect or deterioration of the City's sanitary sewer, combined sewer or stormwater drain is observed.

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

Section 31. Right to Inspect During Construction

The DPW shall have the right to inspect all building drains, building sewer laterals, and other private sewers, grease traps, oil traps, particle separators and other facilities, at any reasonable time while such construction is underway. The Owner shall notify the DPW when such facility is installed and ready for final inspection, before the facility is connected to the City's wastewater system. Connection to the City's wastewater system shall be made in the presence of a DPW inspector. No facility shall be covered over until approval has been given by the DPW inspector.

Section 32. Inflow and Infiltration

- A. Every newly constructed, replaced or extended building sewer lateral that discharges directly or indirectly to the City's sanitary or combined sewer system shall be designed, constructed and maintained so as to minimize all Inflow and Infiltration into the City's sanitary or combined sewer system. The DPW may require an Owner to determine and eliminate the sources of the Infiltration or Inflow to an existing building sewer lateral at the Owner's expense.
- B. An applicant for sewer connection or extension seeking to add flow of 15,000 gpd or greater shall be required to mitigate I/I, which adds extraneous water to the City's sewer system thereby reducing its capacity and capability, at a rate of rate of 4 gallons of infiltration/inflow removal for each additional gallon of wastewater that will be discharged to the sewer system. A sewer connection applicant unwilling or refusing to comply with this Section 32.B requirement would be denied a sewer connection permit, and denied connection to the Fitchburg sewer system.

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Section 33. Construction of Below-grade Plumbing

All plumbing fixtures located at an elevation below the adjacent roadway elevation, which contains the City sanitary or combined sewer serving the proposed plumbing, shall be considered to be subject to backflow and shall be equipped with a backwater valve, ***as specified in Section 20. of these Sewer Rules and Regulations.***

Section 34. Distance from Water Services

Building sewer lateral connections shall be laid at least 10 feet apart horizontally, or 18 inches apart vertically from any new or existing water service connection in accordance with DEP regulations.

Section 35. Fuel Dispensing Areas

Any area which is used to dispense fuel, and is covered by a canopy or other type of roof or enclosure, shall drain into an approved oil/water separator, and then into a sanitary sewer, or if not available, a combined sewer. The fuel dispensing area shall be graded so as to prevent any runoff to surrounding areas, which drain into a stormwater drain. 

As an alternative, it is permissible to contain all runoff within the fuel dispensing area so that it is not drained off. The Owner shall be responsible for the removal and disposal of any runoff, which is contained in such a manner.

Section 36. Decorative Fountains

New or substantially rehabilitated decorative fountains shall be equipped with a shut off mechanism and shall be designed and constructed so as to re-circulate water. Decorative fountains shall discharge to a stormwater drain.

Section 37. Recreational Spray and Sprinkler Pools

New or substantially rehabilitated recreational spray and sprinkler pools, also known as “recreational fountains”, shall be equipped with a shut off mechanism and shall be designed and constructed so as to be non-recirculating. Recreational spray and sprinkler pools shall discharge into a  stormwater drain.

Section 38. Termination of Service

Every person seeking to demolish or remove any building or structure shall submit all required completed applications with the Building Department,  which require sign-off by DPW. Prior to demolition of any building, the Owner shall obtain a written authorization from the DPW to cut and cap all building sewer laterals at the connection to the sanitary or combined sewer. The Owner shall notify the DPW for an inspection of all building sewer laterals, to ensure that they are properly cut and capped prior to backfilling. Backfilling of cut and capped sewer laterals shall not occur until approved to do so by DPW.

Section 39. Expenses Borne by the Owner

All costs and expenses incident to the application for the design, construction, installation, connection, repair, and maintenance of a building sewer lateral, other private sewers, special facilities, particle separators, grease traps, oil traps, or other wastewater facilities shall be borne by the Owner.

Notwithstanding the forgoing, the City may, in its discretion, bear part or all of such costs and expenses. The Owner shall indemnify the City from, and shall reimburse the City for, any loss or damage directly or

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indirectly occasioned by the installation, use or operation of any building sewer lateral, private sewer, special facility, particle separator, grease trap, oil/water separator or other wastewater facility.



Article V. Discharge Requirements, Prohibitions and Restrictions

Section 40. Compliance with Discharge Limits

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

Section 41. Instantaneous Discharge Flow Rate Limits

A. The instantaneous discharge flow rate shall not exceed the following limits:

Average Flow (gallons per day)	Allowable Ratio of Instantaneous Flow Rate to Average Flow
50,000 to 100,000	3
100,000 to 500,000	2
More than 500,000	1.5

- B. Users whose average flow is less than 50,000 gallons per day shall not discharge an instantaneous rate of flow in excess of 150,000 gallons per day.
- C. No person shall discharge any wastes or wastewaters in a slug, as defined in the Sewer Ordinance.
- D. The City may establish more stringent standards or requirements on discharges to the POTW in individual discharge permits.

Section 42. Dilution Prohibited

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

Section 43. City Inspection and Sampling

- A. The City may inspect the facilities of any user to ascertain whether the purpose of the Sewer Ordinance or these regulations is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Commission, Commissioner and other duly authorized employees of the City ready access at all reasonable times to all parts of the premises for the purposes of inspection, observation, measurement, sampling, records examination or in the performance of any of their duties. The City, approval authority and, where the NPDES state is the approval authority, EPA shall have the right to set up on the user's

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property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the City, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- B. Conditions for entry:
 - 1. The DPW shall present appropriate credentials at the time of entry.
 - 2. The purpose of the entry shall be for inspection, observation, measurement, sampling, testing, photographic documentation, or record examination and copying in accordance with the provisions of these Regulations.
 - 3. Any entry shall be made at reasonable times during normal operating hours unless an emergency situation exists which endangers the public health, safety and welfare of the community as determined by the DPW, in which case the DPW may make an emergency entry and provide notice of entry to the discharger as soon as reasonably practicable.
- C. If the DPW is refused access to any part of the premises from which wastewater is discharged, and DPW believes that there may be a violation of the Ordinance or these Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with these Regulations or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the DPW shall, with the assistance of the City Solicitor, seek any and all remedies available under federal, state and local laws or regulations, and the User and/or Owner of the premises shall be liable for all fines, fees, penalties, and all costs of enforcement, including but not limited to attorney's fees.

Section 44. Monitoring Facility Requirements

- A. When required by the DPW, a User shall install and maintain at the Owner's expense suitable control or measuring devices, together with manholes, chambers, meters, sampling ports, and other appurtenances in its building sewer laterals, including those from pumps, to facilitate discharge observation, monitoring, sampling and measurement.
- B. Such manholes, chambers or meters shall be safely accessible and shall be located and constructed in accordance with site plans approved by the DPW, shall be installed by and at the expense of the Owner, and shall be maintained by the Owner in good operating condition at all times.
- C. All such meters and other measuring devices shall be approved by the DPW prior to installation and use. All such meters and measuring devices shall be calibrated by the Owner so as to ensure accurate measurement. The facilities shall be constructed in accordance with all applicable construction standards. Construction shall be completed in compliance with a time schedule approved by the DPW.
- D. The DPW requires permittees to keep and retain all records associated with meters, measuring devices and samplers. These records shall include data on volumes, water quality and maintenance.
- E. All records from meters, measuring devices and samplers, whether required by DPW or not, shall be kept for at least six years and furnished to the DPW upon request. During construction and after installation, the DPW shall have the right to inspect the facilities in accordance with this Article.

Section 45. Sampling and Analysis

- A. All measurements, tests and analyses of the characteristics of wastewater or stormwater required to conform to these Regulations shall be performed in accordance with the most recent edition of Standard Methods for the Examination of Water and Wastewater, unless otherwise authorized or required by the DPW, EPA or DEP.
- B. Sample analysis required by these Regulations, or any permit issued hereunder, shall be performed by an independent laboratory currently certified by the DEP for the parameters being analyzed. The use of a laboratory with provisional DEP certification is prohibited.
- C. Samples analyzed shall be collected at locations designated by the DPW and by methods acceptable to, and at a frequency determined by, the DPW. The DPW will stipulate whether a composite or grab sample should be taken and whether composite samples will be time or flow weighted.
- D. The DPW may require a permittee to submit a complete data package, including chain of custody records, raw data, and quality assurance/quality control related results, with a report required by the DPW. The DPW may require that discharge monitoring reports be submitted on paper copy, or by electronic means.

Section 46. Compliance Measurement Location

All limitations imposed by these Regulations shall be applied at the end of the pretreatment process line, or at the end of the process line if there is no pretreatment. The Owner or User shall not introduce a pollutant into a wastewater stream after the compliance measurement location without prior approval of DPW.

Section 47. Notification of Changed Discharge

Every User who directly or indirectly discharges to the City's wastewater system shall notify the DPW in advance of (a) any substantial change in the volume or character of pollutants in the discharge; and (b) any change in the location of the discharge to a different sanitary sewer connection.

Section 48. Notification of Spills

- A. Notwithstanding other requirements of federal, state or local laws, rules or regulations, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of, or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the City's sanitary sewer or combined sewer, or stormwater drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release.
- B. In the event of a release of oil or hazardous waste to the City's sanitary sewer, combined sewer, or stormwater drainage system or the discharge of any wastes which might pose a hazard to the POTW treatment processes, the person shall immediately (within one hour of discovery) notify the City's fire, police, and public works departments.
- C. In the event of a release of a non-hazardous pollutant to the City's sanitary sewer, combined sewer, or stormwater drainage system, the reporting person shall notify the DPW within twenty-four (24) hours.
- D. The reporting person shall provide to the DPW written confirmation of all telephone, e-mail or in-person notifications within five days thereafter.

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- E. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge, and the actions taken to prevent its recurrence. Such records shall be retained in accordance with the Massachusetts Public Records Law.

Section 49. Notice of Violation

See Sewer Ordinance for Violations.

Section 50. Preventative Measures

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

Section 51. General Prohibitions

See Sewer Ordinance for General Discharge Prohibitions.

Section 52. Prohibited Wastes or Substances

See the Sewer Ordinance, for Specific Local Limitations.

Section 53. Prohibited Discharges into Sanitary Sewers

- A. No person shall directly or indirectly discharge or cause or allow any stormwater to be discharged into any City sanitary sewer or any sanitary sewer tributary thereto.
- B. Unless specifically authorized in writing from the DPW, no person shall discharge or cause or allow to be discharged directly or indirectly into a City sanitary sewer or into a sanitary sewer tributary thereto any of the following:
1. groundwater,
 2. dewatering drainage,
 3. subsurface drainage,
 4. accumulated surface water,
 5. non-contact cooling water,
 6. non-contact industrial process waters,
 7. uncontaminated contact cooling water,
 8. uncontaminated industrial process water, or
 9. waters associated with the excavation of a foundation or trench,
 10. hydrological testing,
 11. groundwater treatment/remediation,
 12. removal or installation of an underground storage tank or dewatering of a manhole, except as provided in Section 54.

Section 54. Prohibited Discharges into Combined Sewers

No person shall discharge or cause or allow to be discharged directly or indirectly into a City combined sewer or into a combined sewer tributary thereto any of the following:

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- A. Groundwater, dewatering drainage, subsurface drainage, accumulated surface water, non-contact cooling water, non-contact industrial process waters, uncontaminated contact cooling water, uncontaminated industrial process water, or waters associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank or dewatering of a manhole.
- B. Discharges otherwise prohibited by subsection (a) above may be permitted, when the discharger has taken all reasonable efforts to eliminate and minimize the flow, and there is no reasonable access to a stormwater drain, surface water, or another disposal alternative, and the amount to be discharged will not have an actual or potential adverse impact on the combined sewer system or the quality of receiving water, or the City's ability to meet its obligations under any law, regulation, permit, or order, and the discharger has obtained prior written authorization from the DPW.

Section 55. Disposal of Septage Prohibited

Except at specifically designated discharge structures at the POTW, and when granted authorization to make such discharges, in accordance with POTW septage discharge protocols and procedures, no person shall discharge or cause or allow to be discharged any septage into a City sanitary sewer, combined sewer, or stormwater drain, or into any sewer or stormwater drain tributary thereto.

Section 56. Significant Industrial Users

In addition to the requirements of these Regulations, any person operating a facility in Fitchburg that is a significant industrial user as defined in *40 CFR 403.3* shall comply with the applicable requirements of *40 CFR Part 403*, including the reporting requirements of *40 CFR 403.12* and any *National Categorical Pretreatment Standard* applicable to the facility, and all other applicable federal, state and local laws and regulations.

All industrial Users and dischargers of industrial wastes shall comply with federal, state, and local laws, rules and regulations pertaining to industrial pretreatment as they now exist or may be amended in the future.

Section 57. Discharge Documents

- A. In addition to requirements outlined in Chapter 147, wastewater discharge permits must also contain:
 - 1. A statement indicating duration of the permit, which in no case shall exceed five years;
 - 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the Commission in accordance with Chapter 147, and specific requirements for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - 3. Effluent limits based on applicable pretreatment standards;
 - 4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state or local law; and
 - 5. 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.
- B. Wastewater discharge permits may contain additional conditions, such as but not limited to the following conditions:

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1. The unit charge, criteria for calculation or schedule of user charges and fees for the wastewater to be discharged to the POTW.
2. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
3. Requirements for installation and maintenance of inspection and sampling facilities.
4. Requirements for submission of technical reports or discharge reports.
5. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Commission and for affording the Commission access thereto.
6. Requirements for notification of the Commission of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
7. Requirements for notification of slug discharges as described in City's Sewer Rules and Regulations.
8. Requirements or conditions as deemed appropriate by the Commission to ensure or to further compliance with the Sewer Ordinance, state or federal law.

Section 58. Reporting Requirements

See Sewer Ordinance for Reporting Requirements.

Section 59. Self-Monitoring Requirements

See Sewer Ordinance for Self-Monitoring Requirements.

Section 60. Pre-Treatment of Industrial Wastewater

See Sewer Ordinance for Pre-Treatment of Industrial Wastewater.

Section 61. Confidential Information

See Sewer Ordinance for Confidential Information.

Section 62. Obligation to Comply with Regulations

The issuance of a permit from the DPW shall not relieve the permittee of its obligation to comply with the *Federal Clean Water Act (Title 33 of the U.S.C., §1251 et seq.)*, the *Massachusetts Clean Waters Act, M.G.L., c. 21, sections 26 through 53*, and with the requirements contained in these Regulations, and all other applicable federal, state and local laws and regulations.

Section 63. Notification to Employees

Significant Industrial Users shall inform their employees of the existence of these Regulations. At least one copy of these Regulations and the permit(s) shall be permanently and conspicuously posted by each such User. Such User shall also permanently post a notice identifying the employee who has been designated as the individual responsible for compliance with, and who should be notified of, any violation of these Regulations or permit. Every such User shall provide copies of the above-referenced permits to each employee working in its pretreatment operations.

Article VII. Violations, Penalties and Enforcement

Section 64. Violations

Any person who fails to comply with the requirements of these Regulations or the terms and conditions of any permit issued thereunder or the requirements of any federal, state or local laws, rules or regulations governing use of the City's wastewater and stormwater drainage system shall be subject to enforcement actions by the DPW.

- A. Each day a violation occurs or continues shall be considered a separate violation.
- B. For violations of discharge limits, each parameter that exceeds a discharge limit shall be considered a separate violation except as provided elsewhere in these Regulations adopted hereunder.

Section 65. Suspension of Permit/Service

- A. The Commission may suspend the wastewater treatment service and/or a wastewater contribution permit or cut off the sewer connection when such suspension or cutoff is necessary, in the opinion of the Commission or Commissioner and his or her designee, in order to stop an actual or threatened discharge which:
 - 1. Presents or may present an imminent or substantial endangerment to the health or welfare of persons;
 - 2. Presents or may present an imminent or substantial endangerment to the environment;
 - 3. May cause or actually causes interference to the POTW; or
 - 4. Causes or will cause the POTW to be in violation of any condition of its NPDES permit or federal or state law.
- B. The Commission may reinstate the wastewater contribution permit or the wastewater treatment service upon proof satisfactory to it of the elimination of the noncomplying discharge.
- C. In the event of a suspension or cutoff under this section, the affected user shall, within 15 days, submit a written report describing the event that caused the suspension, its causes and the measures taken to prevent any recurrence.
- D. Any person notified of a suspension under this section shall immediately stop or eliminate the contribution. If any person fails voluntarily and in a timely manner to comply with a suspension order, the Commission shall take such steps as it deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to persons, the environment, property, the POTW system and/or its receiving stream.

Section 66. Revocation of Permit

The Commission may revoke any wastewater contribution permit if the Commission finds that a user has:

- A. Falsified information or records required to be submitted or retained under the Sewer Ordinance and these Rules and Regulations promulgated thereunder in connection with any permit or pursuant to an order or directive of the Commission or Commissioner and his or her designee; or
- B. Violated any conditions of a wastewater contribution permit; or
- C. Refused right of entry guaranteed by Section 43 of these Rules and Regulations; or

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- D. Failed to reapply for a permit or request a required permit modification; or
- E. Discharged into the POTW in violation of the Sewer Ordinance and/or these Rules and Regulations promulgated thereunder, federal or state law; or
- F. Changed circumstance(s) require a temporary or permanent reduction or elimination of the permitted discharge; or
- G. Failed to report the wastewater constituents and characteristics of his or her discharge; or
- H. Failed to report significant changes in operations or wastewater constituents and characteristics; or
- I. Performed any act or failed to perform any act or breached any duty which in the opinion of the Commission or Commissioner and his or her designee, violates any applicable state or federal statute or regulation or any order of the Commission.

Section 67. Issuance of Notice or Order

In general, before, after or concurrently with service of a complaint under Section 68 of these Rules and Regulations, the Commission may:

- A. Issue an order that requires the person to whom the order is directed to take corrective action within a time set in the order; Send a written notice or order that requires the person to whom the notice is directed to file a written report about the alleged violation; or Send a written notice or order that requires the person to whom the notice is directed: To appear at a hearing at a time and place scheduled in order to answer the charges in the complaint; or To file a written report and also appear at a hearing at a time and place set to answer the charges in the complaint.
- B. Effective date of order. Any order issued under the Sewer Ordinance and/or these Rules and Regulations promulgated thereunder is effective immediately, according to its terms, when it is served.
- C. The Commission or Commissioner and his or her designee, may issue a notice alleging a violation or violations of the Sewer Ordinance and/or these Rules and Regulations promulgated thereunder, the user's permit, state or federal law or the Commission's regulations. Within 10 days of the date of this notice, the user shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, including its plan for implementing specific required actions.
- D. Submission of a plan shall not relieve the user of any liability for any violations occurring before or after receipt of the notice or order, nor shall corrective action undertaken by a user be deemed a defense to the impositions of civil penalties imposed under the Sewer Ordinance and/or these Rules and Regulations promulgated thereunder.
- E. When the Commissioner and his or her designee, finds that a user has violated or continues to violate any provision of the Sewer Ordinance and/or these Rules and Regulations promulgated thereunder, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Commissioner and his or her designee, may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. The Commissioner's or his or her designee's orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer or correct violations to the Sewer Ordinance and/or these Rules and Regulations promulgated

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thereunder. A compliance order may not extend the deadline by compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking other action against the user.

F. Cease-and-desist orders:

1. When the Commissioner and his or her designee, finds that a user has violated or continues to violate any provision of the Sewer Ordinance and/or these Rules and Regulations promulgated thereunder, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirements, or that the user's past violations are likely to recur, the Commissioner and his or her designee, may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - a. Immediately comply with all requirements; and
 - b. Take such appropriate remedial or preventive action as may be needed to address a continuing or threatened violation, including halting operations and/or terminating the discharge.
2. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, any other action against the user.

Section 68. Complaint

- A. Issuance. The Commission or Commissioner and his or her designee, may issue a written complaint to the user if there are reasonable grounds to believe that the person whom the complaint is directed has violated:
 1. The Sewer Ordinance;
 2. Any rule or regulation adopted under the Sewer Ordinance;
 3. Any order or permit issued under the Sewer Ordinance; or
 4. Any applicable state or federal law or regulation.
- B. Contents. A complaint issued under this section shall:
 1. State the provisions of state, federal or local law which have been violated;
 2. State generally the factual basis of the violation(s);
 3. Set the time and date for a hearing before the Commission or the Commissioner and his or her designee, at which hearing the user shall have a full and fair opportunity to establish that the alleged violation(s) have not occurred; or
 4. Order the user who has allegedly caused or contributed to the violation to appear and show cause at the time and date set for the hearing why the proposed enforcement action should not be taken.
- C. Whether or not the user appears at the hearing, the Commission may take immediate enforcement action.

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Section 69. Hearings

- A. Hearings on order or notice.
 - 1. Within 10 days after being served with an order or notice, the user or person served may request a hearing by writing to the Commission or Commissioner. The request shall state the reasons for the request, including any defenses and facts alleged to constitute defenses.
 - 2. Upon receipt of a request for hearing, the Commission shall set a date and time for the hearing and shall give reasonable, written notice to the person requesting it.
- B. Subpoenas; witnesses.
 - 1. In connection with any hearing or matter under investigation under the Sewer Ordinance and/or these Rules and Regulations promulgated thereunder, the Commission may:
 - a. Subpoena any person or evidence.
 - b. Compel the attendance and testimony of any person.
 - c. Enforce any subpoena issued by it or in its name by appropriate judicial proceeding.
 - 2. A subpoenaed witness shall receive the same fees and mileage reimbursement as if it were a subpoena in a civil action in a court of the Commonwealth.
- C. The Commission may conduct the hearing or it may designate one or more of its members to conduct the hearing.
- D. The Commission, or its designee(s) shall:
 - 1. Admit and exclude evidence in accordance with the rules of evidence applicable in administrative proceedings under the law of the Commonwealth.
 - 2. Take oral testimony under oath or affirmation.
 - 3. Record the proceedings stenographically or by mechanical means.
 - 4. Render its decision in writing within a reasonable time.
 - 5. Prepare a written transcript of its proceedings at the request of any party or any person upon payment of reasonable charges set by the Commission or Commissioner and his or her designee.
- E. The Commission, after hearing, may modify, affirm or reverse, in whole or in part, the order or notice from which the appeal was taken.
- F. Where required, or permitted by federal or state law, the conditions of its NPDES permit or directives or orders of the EPA, the Commission may take immediate enforcement action, notwithstanding the request for an administrative hearing or the pending thereof. Nothing in the Sewer Ordinance and/or these Rules and Regulations promulgated thereunder requires exhaustion of any administrative process before resort to judicial remedies or the imposition of any civil fines.

Section 70. Judicial Enforcement

- A. If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system, or commits any act, or refrains from doing any act required under the provisions of the Sewer Ordinance, the regulations and/or orders of the Commission, state and/or federal pretreatment requirements or any applicable state or federal law, the City Solicitor or the Commission may commence an action for appropriate legal and/or equitable relief in any court

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having jurisdiction.

- B. The remedy described in Subsection A of this section shall be available notwithstanding the pendency of any administrative action or hearing, and the Commission shall not be required to conduct an administrative hearing or implement any administrative proceeding notice or issue any order in order to seek judicial relief.

Section 71. Emergency Action

When a User has failed to take action within the time established in an administrative notice or order to eliminate an imminent threat to humans or to the environment or to the effective operation of the City's collection system, the DPW may take such action as deemed necessary, including work by City personnel to eliminate the threat or to mitigate the impact on the City's collection system or the environment. The DPW shall attempt to notify the User of the intended action, but if unable to do so within a reasonable period of time, shall proceed with the action at the expense of the Owner.

Section 72. Penalties

- A. Criminal Penalty: See Sewer Ordinance for Criminal Penalty.
- B. Civil Penalty: See Sewer Ordinance for Civil Penalty.
- C. Injunction: As an additional remedy, a violation of these Regulations may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Section 73. Cost Recovery

- A. The DPW may recover all reasonable costs incurred by the City which are attributable to or associated with violations of these Regulations, including but not limited to the costs of administration, investigation, sampling and monitoring, legal and enforcement activities, damage to the City's sanitary or combined system, contracts and health studies, and any fines and penalties assessed to the City which result from a discharge not in compliance with these Regulations or rules adopted thereunder.
- B. All such costs shall be documented by the City and shall be served upon the discharger by certified or registered mail, return receipt requested. Such documentation shall itemize the costs the DPW has determined are attributable to the violations.
- C. Such costs are due and payable to the City upon the receipt of the letter documenting such costs. All such costs shall be paid to the City Treasurer. Nonpayment or dispute regarding the amount shall be referred for appropriate action to the City Solicitor. The City Solicitor may initiate appropriate action against the discharger to recover costs under this Article.
- D. The DPW may terminate a discharge for nonpayment of costs after 30 days-notice to the discharger.

Section 74. Consent Orders

The Commissioner, or his or her designee, may enter into consent orders, assurances of voluntary compliance or other similar arrangements establishing an agreement with any user or person responsible for noncompliance. Such documents will include the specific action to be taken by the user to correct the noncompliance within the time period(s) specified in the documents. These agreements and documents shall have the same force and effect as a final administrative order issued by the Commission under the Sewer Ordinance and/or these Rules and Regulations promulgated thereunder.