

## TOWN OF ASHFIELD – SEWER USE REGULATIONS

REGULATIONS GOVERNING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE TOWN OF ASHFIELD, FRANKLIN COUNTY, COMMONWEALTH OF MASSACHUSETTS.

Be it ordained by the Board of Sewer Commissioners of the Town of Ashfield, of the Commonwealth of Massachusetts, as follows:

### ARTICLE 1 – GENERAL PROVISIONS

- 1.1 These regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Ashfield. These regulations enable the Town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and all other applicable regulations.
- 1.1.1 The objectives of these regulations are:
- (a) To prevent the introduction of pollutants into the Town wastewater system that will interfere with the operation of the system or contaminate the resulting sludge.
  - (b) To prevent the introduction of pollutants into the Town wastewater system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
  - (c) To improve the opportunity to recycle and reclaim wastewater and sludges from the system.
- 1.1.2 These regulations provide for:
- (a) The regulation of direct and indirect contributors to the Town wastewater system through issuances of permits to users and through enforcement of general requirements for users.
  - (b) The monitoring and user reporting of direct and indirect contributors with special types of wastes.
  - (c) The assumption that existing customer's capacity will not be preempted.
  - (d) The setting of fees to cover costs to the Town for administering these regulations.
  - (e) Enforcement measures and penalty fines for the violation of these regulations.
- 1.1.3 Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of these regulation.
- 1.2 Unless the context specifically indicates otherwise, the meaning of terms used in these regulations shall be as follows:
- 1.2.1 "Amonia Nitrogen" means the concentration of  $\text{NH}_3$  as determined by an ammonia selective electrode, expressed as  $\text{mg}/\text{1NH}_3\text{-N}$ .
- 1.2.2 "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
- 1.2.3 "Board of Sewer Commissioners" has jurisdiction over, and is the governing authority for, the wastewater collection and treatment system in the Town of Ashfield. This term shall also mean the Sewer Committee duly authorized by the Annual Town Meeting May 6<sup>th</sup>, 1995, to

- have all the powers and authority usually conferred upon the Board of Sewer Commissioners until such time as the Board of Sewer Commissioners is elected.
- 1.2.4 “Building Drain” means that part of the lowest piping of a drainage system that receives the discharge of wastewater from inside the walls of the building and extends to ten (10) feet outside the inner face of the building wall.
- 1.2.5 “Building Sewer” means the extension from the building drain to the public sewer main.
- 1.2.6 “Contractor” means the person or company hired by the property owner to install the building sewer.
- 1.2.7 “Cooling Water” means the water discharged from any use such as air conditioning, cooling and refrigeration, or to which the only pollutant added is heat.
- 1.2.8 “Direct Discharge” means the discharge of treated or untreated wastewater directly into the waters of the Commonwealth of Massachusetts.
- 1.2.9 “Easement” means an acquired legal right for the specific use of land owned by others.
- 1.2.10 “Floatable Oil” means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- 1.2.11 “Garbage” means the animal and vegetable wastes resulting from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- 1.2.12 “Grab Sample” means a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- 1.2.13 “Grease Interceptor” means a watertight structure located in a building drain system or building sewer before the connection to the public sewer in which grease and oils are separated from other solid and liquid constituents of wastewater in accordance with 5.5.
- 1.2.14 “Groundwater” means water found in cracks, fissures, and pore spaces in the saturated zone below the ground surface, including but not limited to, perched groundwater.
- 1.2.15 “Industrial Wastes” means the wastewater from an industrial process, trade, or business listed in Section 15.004 of the “State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade, and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage”, as distinct from domestic (sanitary) wastes.
- 1.2.16 “Interference” means the inhibition or disruption of the wastewater facilities treatment processes or operation that contributes to a violation of any requirement of the Town’s discharge permit. This term includes any prevention of sewage sludge use or disposal by the Town.
- 1.2.17 Kjeldahl Nitrogen (TKN) means the sum of Ammonia nitrogen plus Organic nitrogen.
- 1.2.18 “May” is permissive (see “Shall” 1.2.32).
- 1.2.19 “Natural Outlet” means any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- 1.2.20 “Owner” means every person who alone, or jointly, or severally with others (a) has legal title to any property, or (b) has care, charge, or control of any property or as agent, executor, executrix, administrator, administratrix, trustee, lessee, or guardian of the estate of the holder of legal title. Each such person thus representing the holder of legal title is bound to comply with the provisions of these regulations as if he were owner.
- 1.2.21 “Person” means any individual, firm, company, association, society, corporation, partnership, group, copartnership, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine. Where indicated by the context, the singular shall include the plural.

- 1.2.22 “pH” means the negative logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. For example, neutral water has a pH value of 7 and a hydrogen ion concentration of 10 to the minus 7<sup>th</sup> power.
- 1.2.23 “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or instead of discharging or otherwise introducing such pollutants into the wastewater facilities. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by other means, except as prohibited by applicable state and federal statutes.
- 1.2.24 “Properly Shredded Garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.
- 1.2.25 “Property” means an area or parcel of land in one ownership with definite boundaries recorded with the appropriate Registry of Deeds.
- 1.2.26 “Public Sewer” means the sewer main in which all owners of abutting properties have equal rights and that is controlled by a governmental agency or public entity.
- 1.2.27 “Qualified Contractor” means a contractor that has applied to and been approved by the Town to be eligible to make building sewer connections to the Town’s public sewer.
- 1.2.28 “Sanitary Sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface water that are not admitted intentionally.
- 1.2.29 “Septage” means material physically removed from any part of an on-site system, including but not limited to, the solids, semi-solids, scum, sludge, and liquid contents of a septic tank, privy, chemical toilet, cesspool, holding tank, or other sewage waste receptacle. It does not include any material which is hazardous waste.
- 1.2.30 “Sewage” means the used water of a community. The preferred term is “wastewater” (see 1.2.43).
- 1.2.31 “Sewer” means a pipe or conduit that carries wastewater.
- 1.2.32 “Shall” is mandatory (see “May” 1.2.18).
- 1.2.33 “Sludge” means any discharge of water or wastewater that, in concentration of any given constituent or in quantity of flow, exceeds five (5) times the average twenty-four (24) hour concentration of normal operating flow for more than fifteen (15) minutes and adversely affects the collection system and/or the performance of the Wastewater Treatment Facilities.
- 1.2.34 “Storm Drain” (sometimes termed “Storm Sewer”) means a conduit for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.
- 1.2.35 “Stormwater” means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 1.2.36 “Superintendent” means the authorized deputy, agent, or representative designated by the Board of Sewer Commissioners to supervise the operation of the publicly owned wastewater facilities. The Superintendent is charged with certain duties and responsibilities by these regulations.
- 1.2.37 “Surface Water” means all waters other than groundwaters within the jurisdiction of the Commonwealth including without limitation rivers, streams, lakes, ponds, springs, reservoirs, impoundments, estuaries, wetlands, coastal waters, and certified vernal pools.
- 1.2.38 “Total Suspended Solids (TSS)” means the total suspended matter than either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in the American Public Health Association (APHA) “Standard Methods for the Examination of Water and Wastewater” and referred to therein as nonfilterable residue.
- 1.2.39 “Total Nitrogen” means the sum of Nitrate nitrogen (NO<sub>3</sub>), Nitrite nitrogen (NO<sub>2</sub>) and Kjeldahl nitrogen (TKN) expressed in mg/l.

- 1.2.40 “Town” means the Town of Ashfield, Massachusetts or any duly authorized officer, agent, or representative of the Town of Ashfield.
- 1.2.41 “Unpolluted Waters” means water of quality equal to or better than effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sewers and wastewater treatment facilities provided.
- 1.2.42 “User” means any person who contributes, causes, or permits the contribution of wastewater into the wastewater facilities.
- 1.2.43 “Wastewater” means the used water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that is not intentionally admitted.
- 1.2.44 “Wastewater Facilities” means the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent.
- 1.2.45 “Wastewater Treatment Facilities” means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. This term is sometimes used as a synonym for “Waste Treatment Plant”, “Wastewater Treatment Plant”, or “Water Pollution Control Plant”.
- 1.2.46 “Watercourse” means a natural or artificial channel for the passage of water either continuously or intermittently.
- 1.2.47 The following abbreviations shall have the designated meanings:
- |      |                                       |
|------|---------------------------------------|
| APHA | American Public Health Association    |
| ASCE | American Society of Civil Engineers   |
| ASTM | American Society of Testing Materials |
| BOD  | Biochemical Oxygen Demand             |
| COD  | Chemical Oxygen Demand                |
| l    | Liter                                 |
| mg   | Milligrams                            |
| mg/l | Milligrams per liter                  |
| MGL  | Massachusetts General Laws            |
| TSS  | Total Suspended Solids                |
| WPCF | Water Pollution Control Federation    |

## ARTICLE 2 – USE OF PUBLIC SEWERS REQUIRED

- 2.1 It shall be unlawful to discharge directly to any natural outlet within the Town of Ashfield, or in any area under the jurisdiction of said Town, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of these regulations and the Department of Environmental Protection of the Commonwealth of Massachusetts.
- 2.2 Except as hereinafter provided, it shall be unlawful for property owners to construct or repair any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where a public sewer is within one hundred (100) feet of the property line and where permission to enter such sewer can be obtained from the authority having jurisdiction over it.
- 2.3 The owners of all houses, buildings, or properties that produce wastewater and are used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is located or may in the future be located a public sewer of the Town, are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these regulations within six (6) months after the date of receipt of official notice from the Board of Health of the Town of Ashfield acting under the provisions of the “State Environmental Code, Title

5; Standard Requirements for the Siting, Construction, Inspection, Upgrade, and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage” or regulations relative thereto, provided that the public sewer is within one hundred (100) feet of the property line. Said connections shall be made without exception, unless for reasons as determined by the Town of Ashfield Board of Health.

#### ARTICLE 3 – PRIVATE SEWAGE DISPOSAL

- 3.1 Where a public sewer is not available under the provisions of Section 2.3, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of the Board of Health of the Town of Ashfield and the Massachusetts Department of Environmental Protection.

#### ARTICLE 4 – BUILDING SEWERS AND INSTALLATION

- 4.1 No person shall uncover (excavate), make any connection to, or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent.
- 4.2 Any person proposing a new discharge into the public sewer or a substantial change in the volume or character of pollutants that are being discharged into the public sewer shall notify the superintendent at least fifteen (15) days prior to the proposed change or connection.
- 4.3 There shall be two (2) classes of building sewer installation permits: (a) for residential and/or commercial service and (b) for service to establishments producing industrial waste flow. (See “Industrial Wastes” Section 1.2.15). In either case, the owner or his agent shall make a permit application to the Town on a special form furnished by the Town (see “Application for a Residential or Commercial Building Sewer Installation Permit” and “Application for an Industrial Building Sewer Installation Permit” in Appendix A). The permit application shall be supplemented by plans, specifications, or information considered pertinent in the judgment of the Superintendent. A permit application fee, which shall include the routine costs associated with the inspection of the building sewer installation by the Superintendent, shall be paid to the Town at the time the application is filed. Permit application fees shall be levied as follows: Residential and Commercial service \$100, Industrial service \$250. Payment shall be made in the form of a check, cashier’s check, or money order payable to the “Town of Ashfield”.
  - 4.3.1 Any change to the number of dwelling units of a currently sewered property shall require a Permit for a Change in Equivalent Dwelling Units issued by the Sewer Commission before construction can begin. The fee for this permit shall be \$25.00 payable to the Town of Ashfield when the application is filed.
- 4.4 All costs and expenses incidental to the installation of the building sewer and its connection to the public sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and its connection to the public sewer.
- 4.5 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can in any way be constructed to the rear building. In this case, the front building sewer may be extended to the rear building and the whole considered as one building sewer. The Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

- 4.6 Existing (old) building sewers shall not be used in connection with new building sewer construction.
- 4.7 The size, slope, alignment, and 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 conform to the requirements of the “Building Sewer Connection Guidelines”, applicable building and plumbing code and other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in the appropriate specifications of the American Society of Testing Materials (ASTM), the Water Pollution Control Federation (WPCF) Manual of Practice Number 9 “Operation and Maintenance of Wastewater Collection Systems”, the WPCF Manual of Practice Number FD-5, the American Society of Civil Engineers (ASCE) Manuals and Reports in Engineering Practice Number 60 “Gravity Sanitary Sewer Design and Construction”, and the WPCF Manual of Practice Number FD-4 “Design of Wastewater and Stormwater Pumping Stations” shall apply.
- 4.8 The Board of Sewer Commissioners has the right to require, at their discretion, any building, existing or proposed, to construct, as part of their building sewer, and at every building sewer connection to the public sewer where said building has more than one connection, a metering and sampling manhole. This manhole, located adjacent to the public sewer, with frame and cover brought to grade, and just upon the owner’s property, shall be constructed for the purpose of allowing the Superintendent the ability to enter upon said property to inspect the constituents in and quantity of flow being discharged into the public sewer. This metering and sampling manhole shall conform to the requirements of the “Building Sewer Connection Guidelines” applicable building and plumbing code and other applicable rules and regulations of the Town and shall be subject to the inspection and approval of the Superintendent. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of the ASTM, the WPCF Manual of Practice Number 9 “Operation and Maintenance of Wastewater Collection Systems”, the WPCF Manual of Practice Number FD-5, the ASCE Manuals and Reports in Engineering Practice Number 60 “Gravity Sanitary Sewer Design and Construction”, and the WPCF Manual of Practice Number FD-4 “Design of Wastewater and Stormwater Pumping Stations” shall apply.
- 4.9 Whenever possible, the building sewer shall be installed to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the wastewater carried by such building drain shall be pumped by an approved means and discharged to the building sewer or public sewer. Shop drawings of proposed pumping equipment shall be submitted for approval by the Superintendent.
- 4.10 No person shall make connection of roof downspouts, foundation drains, cellar drains, sump-pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sewer.
- 4.11 The connection of the building sewer to the public sewer shall conform to requirements of the “Building Sewer Connection Guidelines” applicable building and plumbing code and other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in the appropriate specifications of the ASTM, the WPCF Manual of Practice Number 9 “Operation and Maintenance of Wastewater Collection Systems”, the WPCF Manual of Practice Number FD-5, the ASCE Manuals and Reports in Engineering Practice Number 60 “Gravity Sanitary Sewer Design and Construction”, and the WPCF Manual of Practice Number FD-4 “Design of Wastewater and Stormwater Pumping Stations” shall apply. All such connections shall be made gastight and watertight and verified by proper testing.

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

- 4.12 The applicant for the building sewer permit shall notify the Superintendent at least twenty-four (24) hours before the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative, and no backfilling is allowed until all appropriate inspections are made. Otherwise, the pipe shall be exposed for inspection.
- 4.13 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- 4.14 The installation of the building sewer and the connection of the building sewer to the public sewer shall be made by a qualified contractor. All contractors seeking to install building sewers shall make a permit application to the Town to be included in the Town's list of qualified contractors (see the "Application for Permit as Approved Building Sewer Contractor" in the "Building Sewer Connection Guidelines"). A permit application fee shall be paid to the Town at the time the application is filed. The permit application fee shall be \$50. Payment shall be made in the form of a check, cashier's check, or money order payable to the "Town of Ashfield". The Town shall include all qualified contractors on a list that is available for public inspection. The Town shall update this list immediately whenever the Board of Sewer Commissioners approves a new qualified contractor.

#### ARTICLE 5 – USE OF THE PUBLIC SEWERS

- 5.1 No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or uncontaminated water to any sanitary sewer.
- 5.2 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
  - 5.2.1 Any waters or wastes containing gasoline, benzene, naphthas, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - 5.2.2 Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or cause interference with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  - 5.2.3 Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment plant.
  - 5.2.4 Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, stone, gravel, concrete, paving materials, sticks, plaster, cement, mortar, grass clippings, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, animal litter absorbent, clay, and paper dishes, cups, and milk containers, either whole or ground by garbage grinders or other similar products.
  - 5.2.5 Any septage (see Section 1.2.29).
  - 5.2.6 Sludges or deposited solids resulting from an industrial or pretreatment process.
  - 5.2.7 Any wastewater or wastes exceeding the following wastewater characteristics:

BOD:	400 mg/l
TSS	400 mg/l
Ammonia Nitrogen	50 mg/l
Total Nitrogen	70 mg/l

5.3 No person shall discharge or cause to be discharged the following described substances, materials, wasters, or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent shall give consideration to the following factors:

- (a) the quantities of subject wastes in relation to flows and velocities in the sewers,
- (b) materials of construction of the sewers,
- (c) nature of the wastewater treatment process,
- (d) capacity of the wastewater treatment facilities,
- (e) degree of treatability of wastes in the wastewater treatment facilities, and other pertinent factors.

The substances regulated by this section are:

- 5.3.1 Any liquid or vapors having a temperature higher than 150 degrees F (65 degrees C).
- 5.3.2 Any water containing fats, waxes, greases, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances that may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 and 65 degrees C).
- 5.3.3 Any garbage that has not been properly shredded (see 1.2.24). The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- 5.3.4 Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- 5.3.5 Any waters or wastes containing iron, chromium, copper, zinc, antimony, arsenic, barium, beryllium, boron, cadmium, lead, manganese, mercury, nickel, selenium, silver, tin, and similar objectionable or toxic metal substances; or wastes exerting an excessive chlorine requirement, unless treated to reduce their concentrations to the minimum levels attainable by chemical precipitation process or other equally effective methods. In no case, however, shall allowable metal concentrations be higher than concentrations allowed by federal and state laws and the limits established by the Board of Sewer Commissioners for such materials.
- 5.3.6 Any water or wastes containing phenols, or other taste or odor producing substances, in such concentrations exceeding limits that may, after treatment of the composite wastewater, fail to meet requirements of the state, federal or public agencies with jurisdiction for such discharge to the receiving waters.
- 5.3.7 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board of Sewer Commissioners in compliance with applicable state and federal statutes.
- 5.3.8 Any waters or wastes having a pH in excess of 9.5.
- 5.3.9 Any materials that exert or cause:
  - 5.3.9.1 Unusual concentration of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - 5.3.9.2 Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).



- 5.3.9.3 Unusual BOD, chemical oxygen demand (COD), ammonia nitrogen, total nitrogen or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facilities.
  - 5.3.9.4 Unusual volume or flow or concentration of wastes constituting “slugs” (see Section 1.2.33).
  - 5.3.10 Water or wastes containing substances that are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that they cause the wastewater treatment facility’s effluent, or any other product of the wastewater treatment facility such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged into the wastewater facilities cause the wastewater treatment facility to be in noncompliance with any criteria, guidelines, or regulations affecting sludge use and disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or any state criteria applicable to the sludge management method being used.
  - 5.3.11 Any overflow or drainage from cesspools, or other receptacles storing organic wastes.
  - 5.3.12 Any steam exhaust, boiler blow-off, sediment trap runoff, or hot circulating water.
- 5.4 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 5.3, or which, in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, process, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may do one or more of the following:
- (a) For proposed discharge, reject the wastes. For existing discharge, require that the owner terminate discharging the waters or wastes immediately.
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (c) Require equalization of quantities and rates of discharge.
  - (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer user charges (see 5.9).
- If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, regulations, and laws. All costs incurred by the Town’s consulting engineer shall be borne by the applicant.
- 5.5 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board of Sewer Commissioners, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, as specified in Section 5.3.2, 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 Superintendent and in conformance with 248 CMR 2.08-2.09. Interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of dates, and means of disposal that are subject to review by the Superintendent. Any removal and handling of the collected materials not performed by the owner’s personnel must be performed by currently licensed waste disposal firms.
- 5.6 Where pretreatment or flow-equalization facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

- 5.7 When required by the Board of Sewer Commissioners, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- 5.8 All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater facilities and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a property is appropriate or whether a grab sample or grab samples should be taken. Normally, but not always, BOD and TSS analyses are obtained from 24-hour composites of all outfalls whereas pH is determined from periodic grab samples.)
- 5.8.1 All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available, upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.
- 5.9 No statement contained in the Article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment subject to payment, therefore, by the industrial concern.
- 5.10 All costs and expenses incidental to the maintenance and repair of the building sewer and its connection to the public sewer main shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the maintenance and repair of the building sewer and its connection to the public sewer main.

#### ARTICLE 6 – PROTECTION FROM DAMAGE

- 6.1 No person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the wastewater facilities. Any person violating this provision shall be subject to all civil or criminal penalties as provided by the Massachusetts General Laws or these regulations.

#### ARTICLE 7 – POWERS AND AUTHORITY OF INSPECTORS

- 7.1 The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter, at reasonable times, all private properties connected to public sewers for the purpose of inspection, observation, measurement, sampling,

and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations.

- 7.2 The Superintendent or other duly authorized employees or agents of the Town are authorized to obtain information concerning industrial processes that have a direct bearing on the kind and source of discharge to the wastewater facilities. The industry may withhold information considered confidential. However, the industry must establish that disclosure of the information in question to the public might result in an advantage to competitors.
- 7.3 While performing the necessary work on private properties referred to in Section 7.1, the Superintendent or other duly authorized employees or agents of the Town shall observe all safety rules applicable to the premises established by the owner.
- 7.4 The Town shall indemnify the owner against loss or damage to his property by Town employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the inspection, observation, measurement, sampling, and testing operation described in 7.1 except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in 5.7.
- 7.5 The Superintendent and other duly authorized employees or agents of the Town, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within the 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.

#### ARTICLE 8 – ENFORCEMENT AND PENALTIES

- 8.1 The Superintendent may issue an order calling for an immediate suspension of a person’s wastewater treatment service when such suspension is necessary, in the opinion of the Superintendent, to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, cause interference in the operation of the wastewater facilities, or cause the Town to violate any of the provisions of its discharge permit to the receiving water.
  - 8.1.1 Any immediate suspension order shall be issued either by serving the person personally or by giving notice to the person using certified mail, return receipt requested.
  - 8.1.2 Any person to whom an immediate suspension order is served or given shall immediately stop or eliminate the contribution. In the event of a failure of a person to comply voluntarily with the suspension order, the Board of Sewer Commissioners shall take such action as is necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater facilities or endangerment to persons or the environment.
  - 8.1.3 The Board of Sewer Commissioners shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge.
- 8.2 Whenever, on the basis of information available to it, the Superintendent finds any person to be violating any provision of these regulations, the Superintendent may issue an order containing an implementation schedule of specific actions to be taken and a time schedule for said actions.
  - 8.2.1 Any implementation schedule order shall be issued either by serving the petitioner personally or by giving notice to the petitioner using certified mail, return receipt requested.

- 8.2.2 Any person to whom an implementation schedule order is served or given may request a hearing before the Board of Sewer Commissioners by filing, within five (5) days (excluding Saturday, Sunday, and any legal holidays in the Commonwealth) after the written notice was served or given, in the office of the Board of Sewer Commissioners, a written letter requesting a hearing on the matter. Upon receipt of such request, the Board of Sewer Commissioners shall set a time and place for such a hearing and shall inform the petitioner thereof, either by serving the petitioner personally or by certified mail, return receipt requested, at least seven (7) days before the hearing.
- 8.2.3 The hearing shall commence not later than fifteen (15) days after the date on which the written request for a hearing was filed, provided that upon application of the petitioner, the said Board may postpone the date of the hearing for a reasonable time beyond the fifteen (15) day period.
- 8.2.4 The Board of Sewer Commissioners may themselves conduct the hearing and take evidence, or the said Board may designate any of their members or any officer or employee of the Town to:
- 8.2.4.1 Issue, in the name of the Board of Sewer Commissioners, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to the matter involved in such a hearing.
- 8.2.4.2 Take the evidence.
- 8.2.4.3 Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Sewer Commissioners for action thereon.
- 8.2.5 At any hearing held pursuant to these regulations, testimony taken shall be under oath and shall be recorded. A transcript or tape shall be made available to any member of the public or any party to the hearing upon a written request and payment of the usual charges thereof.
- 8.2.6 Within ten (10) days of the commencement of the hearing and after the Board has reviewed the evidence, the Board of Sewer Commissioners shall vote to sustain, modify, or withdraw the Superintendent's implementation schedule order and shall notify the petitioner, either by serving the petitioner personally or by certified mail, return receipt requested, of its decision within three (3) days after said vote.
- 8.2.7 If a written request for a hearing is not filed within five (5) days (excluding Saturday, Sunday, and legal holidays in the Commonwealth) after an order has been issued (as described in 8.2.2) has been issued, or if, after a hearing, the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.
- 8.3 Any person violating the provisions of these regulations shall become liable to the Town for any expense, loss, or damage incurred by the Town by reasons of such violation, including, but not limited to, any fines, charges, or assessments made or imposed on the Town by any federal, state, or local agency.
- 8.4 Any person who is found to have violated an order of the Superintendent or Board of Sewer Commissioners or to have willfully or negligently failed to comply with any provisions of these regulations and permits issued hereunder, shall be fined for each offense in accord with the following schedule:
- 8.4.1 Failure to obtain a written permit prior to installing the building sewer or making a connection (see 4.1 through 4.3):
- (a) \$100 for residential and/or commercial properties.
- (b) \$250 for industrial properties.

- (c) Fines to be paid in addition to obtaining and paying for the proper permit as described in 4.1 through 4.3.
- 8.4.2 Failure to timely notify the Superintendent for inspection and connection of building sewer (see 4.12):
  - (a) \$100 for residential and/or commercial properties.
  - (b) \$250 for industrial properties.
  - (c) Fines to be paid in addition to obtaining a proper inspection as described in 4.12.
- 8.4.3 Any person making connections of roof drains, cellar drains, sump-pumps, and other sources of surface water or groundwater (see 4.10) or discharging said waters (see 5.1):
  - (a) \$50 per day.
- 8.4.4 Failure to install a metering structure as required by Superintendent (see 4.8 and 5.7):
  - (a) \$50 per day.
- 8.4.5 Violation of prohibited discharges described in 5.2 or violation of an immediate suspension order:
  - (a) up to \$1,000 per day.
  - (b) An additional fine to cover all penalties, fines, and costs incurred by the Town as a result of the violation, up to the \$5,000 per day limit set by MGL Chapter 83, Section 10.
- 8.4.6 Violation of discharge agreements (see 5.4) for discharges listed in 5.3 or violation of prohibited discharges in 5.3 when there is no discharge agreement in effect:
  - (a) up to \$500 per day.
  - (b) An additional fine to cover all penalties, fines, and costs incurred by the Town as a result of the violation, up to the \$5,000 per day limit set by MGL Chapter 83, Section 10.
- 8.4.8 Failure to comply with an implementation schedule order (see 8.2):
  - (a) \$100 per day
  - (b) An additional fine to cover all costs incurred by the Town as a result of said failure up to the \$5,000 per day limit set by MGL Chapter 83, Section 10.
- 8.4.9 Failure to comply with any reporting requirements required by these regulations or by the Superintendent:
  - (a) \$50 per day
- 8.4.10 All other offenses not listed in 8.4.1 through 8.4.9:
  - (a) Up to \$1,000 per day
- 8.5 In addition to fines imposed in 8.4, the Town may take either or both of the following actions:
  - 8.5.1 Bring a civil or criminal action as provided by law.
  - 8.5.2 Take any action available to it under federal, state, or local laws or regulations.

All fines collected in this section shall be deposited in the Sewer Enterprise fund.

## ARTICLE 9 – USER CHARGES

- 9.1 The Board of Sewer Commissioners shall charge, on a quarterly payment basis, an annual debt service fee to the owners of all properties liable for such fee as described in the Sewer Debt Service Fee Regulations.
  - 9.1.1 The Board of Sewer Commissioners shall determine annual debt service fees, if any, required to pay the total debt service payments due within the fiscal year. The annual debt service fees, if any, shall be reviewed annually to ensure that they adequately recover the debt service costs and that they are in conformance with the established Sewer Debt Service Fee Regulations.
  - 9.1.2 All sewer debt service fee moneys shall be used to pay expenses of the Town’s Sewer

- Enterprise Fund set up under MGL Chapter 44, Section 53F 1/2.
- 9.1.3 In addition to the debt service fee referenced in 9.1.1, the Board of Sewer Commissioners shall charge all owners connecting to the public sewer a connection fee or permanent privilege fee, if any, as established in the Sewer Debt Service Fee Regulations.
- 9.2 The Board of Sewer Commissioners shall charge, on a quarterly payment basis, an annual sewer fixed-cost operating fee to owners of all properties liable for such fee as described in the Sewer Fixed-Cost Operating Fee Regulations.
- 9.2.1 The Board of Sewer Commissioners shall determine the annual sewer fixed cost fee as required by the fixed-cost operating budget for the fiscal year, which shall include operation and maintenance costs and administrative and equipment replacement costs that are not affected by volume. The sewer fixed-cost charges shall be reviewed annually to ensure that they adequately recover the above mentioned costs and that they are in conformance with the established Sewer Fixed-Cost Operating Fee Regulations.
- 9.2.2 All sewer fixed-cost charges shall be used to pay expenses of the Town's Sewer Enterprise Fund set up under MGL Chapter 44, Section 53f1/2.
- 9.3 The Board of Sewer Commissioners shall charge, on a quarterly basis, a sewer volume-based fee to owners of all properties discharging wastewater into the public sewers of the Town.
- 9.3.1 The Board of Sewer Commissioners shall determine the annual sewer volume-based charge as required by the volume-based operating budget for the fiscal year, which shall include operation and maintenance costs and administrative and equipment replacement costs that are affected by volume. The sewer volume-based charges shall be reviewed annually to ensure that they adequately recover the above mentioned costs and that they are in conformance with the established Sewer Volume-Based Operating Fee Regulations.
- 9.3.2 All sewer volume-based charges shall be used to pay expenses of the Town's Sewer Enterprise Fund set up under MGL Chapter 44, Section 53f1/2.
- 9.4 The Board of Sewer Commissioners shall notify affected property owners of all charges due under Article 9 at least once a year. The Board may notify owners more frequently if so desired.
- 9.5 At least thirty (30) days before any charges assessed under Article 9 become due, the Board of Sewer Commissioners shall mail a statement to each property owner so charged. The statement shall contain at least the following information (in addition to any information deemed necessary or appropriate by the Board):
- (a) The name of the owner
  - (b) The mailing address of the owner
  - (c) The property location
  - (d) The amount of the charges due and a breakdown of the charges
  - (e) The date upon which the payment of the charges is due.
- 9.6 As specified by the Massachusetts Department of Revenue, any surplus revenues collected under this Article shall remain in the Sewer Enterprise Fund as Retained Earnings and shall be available to offset future expenses of the Enterprise Fund.
- 9.7 In the event that any charges assessed under Article 9 remain unpaid after the due date, the Board of Sewer Commissioners shall cause to be filed in the proper Registry of Deeds a statement to that effect, in full compliance with MGL Chapter 83, Sections 16A through 16F, for the purpose of perfecting a lien for such charges.

ARTICLE 10 – VALIDITY

- 10.1 The invalidity of any section, clause sentence, or provisions of these regulations shall not affect the validity of any other part of these regulations that can be given effect without such invalid part or parts.
- 10.2 All rules and regulations or parts thereof in conflict herewith are hereby repealed.

ARTICLE 11 – CHANGES IN THESE REGULATIONS

- 11.1 These regulations may be rescinded or modified or added to by the Board of Sewer Commissioners at any time when, in their opinion, such action is in the best interests of the Town of Ashfield, provided all provisions of the Massachusetts General Laws, as amended, have been complied with.

ARTICLE 12 – REGULATIONS IN FORCE

- 12.1 These regulations shall be in full force and effect from and after passage, approval, or publication as provided by law.
- 12.2 Passed and adopted by the Board of Sewer Commissioners of the Town of Ashfield, State of Massachusetts, on the Seventeenth day of June, 1996.

Bill Perlman, Chairman

Don Robinson

Diane Muller

Attest: Anne Yuryan  
(Town Clerk)

Amendments adopted September 16, 1996  
Amendments adopted November 20, 2014