

SOUTH HADLEY, MASSACHUSETTS

SEWER USE RULES & REGULATIONS

(June 2007)

CONTENTS

These modifications to the Rules and Regulations, approved by the Select Board July 29, 2008, set uniform requirements for users of the Publicly Owned Treatment Works for the Town of South Hadley and enable the Town of South Hadley to comply with all applicable State and Federal Laws, including the Clean Water Act (33 United States Code (U.S.C) section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations (CFR) Part 403). The adoption of these modifications incorporates the required changes to the Federal Pretreatment Program.

COMPILED VERSION

(Original incorporating Amendments 1 and 2, previously approved miscellaneous regulations and the 2007 modifications)

RULES AND REGULATIONS
GOVERNING
THE USE OF SANITARY SEWERS
TOWN OF SOUTH HADLEY, MASSACHUSETTS

THE SELECTBOARD OF THE TOWN OF SOUTH HADLEY, HAMPSHIRE COUNTY, MASSACHUSETTS, ACTING IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 83, SECTION 10, OF THE MASSACHUSETTS GENERAL LAWS AS AMENDED, HEREBY ADOPT THE PROPOSED MODIFICATIONS TO THE RULES AND REGULATIONS GOVERNING THE CONNECTION TO AND USE OF THE TOWN'S COMMON SEWERS.

ARTICLE I

Definitions

Unless specifically indicated in these Rules and Regulations, the meaning of terms used shall be as follows:

1. Abbreviations - The following abbreviations shall have the designated meanings:

- BOD - Biochemical Oxygen Demand. (5 day)
- BMP - Best Management Practice
- BMR - Baseline Monitoring Report
- CFR - Code of Federal Regulations.
- CIU - Categorical Industrial User
- COD - Chemical Oxygen Demand.
- EPA - U.S. Environmental Protection Agency
- gpd - Gallons per day
- IU - Industrial User
- l - Liter.
- mg - Milligrams.
- mg/l - Milligrams per Liter.
- NPDES- National Pollutant Discharge Elimination System.
- NSCIU - Non-Significant Categorical Industrial User
- POTW - Publicly Owned Treatment Works (owned & operated by the Town of South Hadley).
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification.
- SIU - Significant Industrial User
- SNC - Significant Noncompliance
- SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- TSS - Total Suspended Solids.
- U.S.C. - United States Code.

2. Act or “The Act” - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. Seq.
3. Approval Authority - The Region 1 Administrator of the U.S. Environmental Protection Agency or his / her authorized representative.
4. Authorized or Duly Authorized Representative of the User.
 - (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for the individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town of South Hadley.
5. Best Management Practices or BMPs - means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article III [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP’s can also include alternative means of complying with or in place of certain established categorical pretreatment standards and effluent limits as authorized by EPA.
6. Biochemical Oxygen Demand (BOD) - shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C, expressed in milligrams per liter.
7. Building Drain - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
8. Building Sewer - shall mean the extension from the main sewer to the building or structure.

9. Categorical Industrial User - An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
10. Categorical Pretreatment Standard - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the ACT (33 U.S.C. 1317) which applies to a specific category of Industrial Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
11. Chemical Oxygen Demand or COD - A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
12. Combined Sewer - shall mean a sewer receiving both surface runoff and sewage.
13. Composite Sample - A sample which represents many aliquots taken throughout an extended time period.
14. Control Authority - The Town of South Hadley.
15. Daily Maximum - The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
16. Daily Maximum Limit - The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
17. Direct Discharge - The discharge of treated or untreated wastewater directly to the waters of the State of Massachusetts.
18. Environmental Protection Agency or EPA - The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
19. Excessive - amount or concentration of a constituent of wastewater which in the judgment of the SelectBoard:
 - (a) Will cause damage to any facility,
 - (b) Will be harmful to a wastewater treatment process,
 - (c) Cannot be removed in the treatment works to the degree required in limiting stream classification standards of the Connecticut River and/or its tributaries,
 - (d) Can otherwise endanger life or property, or,
 - (e) Can constitute a nuisance.”
20. Existing Source - Any source of discharge that is not a “New Source.”
21. Fats, Oil & Grease (FOG) Program – Regulation approved by the Board of Selectmen to minimize the quantity of this material entering the sewer system. Provides requirements for traps and interceptors, maintenance and reporting requirements specifically for the Food Service Industry.

22. Garbage - shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
23. General Permit - Local Permit to regulate commercial or industrial establishments which do not meet the criteria of a Significant Industrial User by EPA, but which, in the best determination of the Superintendent, requires some oversight. This includes but is not limited to manufacturing facilities, and long-term groundwater remediation projects greater than 6 months. Subject to the most current fees and guidelines approved by the Board of Selectmen.
24. Grab Sample - 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 over a period of time not to exceed fifteen (15) minutes.
25. Indirect Discharge or Discharge - The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
26. Industrial User - A source of wastewater discharge into the POTW which constitutes an “Indirect Discharge” as defined herein.
27. Industrial Wastes - shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
28. Instantaneous Limit - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
29. Interference - A Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder or any more stringent state or local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and any State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.
30. Local Limit - Specific discharge limits developed and enforced by the Town upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
31. Medical Waste - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

32. National Pollution Discharge Elimination System (NPDES) Permit - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
33. Natural Outlet - shall mean any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.
34. New Source:
- (1) Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of section (1)(ii) or (iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has;
- (i) Begun, or caused to begin as part of a continuous on-site construction program:
 - (A) Any placement, assembly, or installation of facilities or equipment; or
 - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
35. Noncontact Cooling Water - Water used for cooling that does not come into direct contact with any raw material, intermediate or finished product, or waste products, for example water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
36. Pass Through - A Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

37. Person - shall mean any individual, partnership, co-partnership, firm, company, association, Joint Stock Company, trust, estate, society, corporation, group or government agency or any other legal entity; or their legal representatives, agents or assigns. This definition includes all Federal, State, and Local governmental agencies.
38. pH - A measure of the acidity or alkalinity of a solution, expressed in Standard Units.
39. Pollutant - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
40. Pretreatment or Treatment - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable treatment standard.
41. Pretreatment Requirements - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
42. Pretreatment Standard or Standard - Shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
43. Prohibited Discharge Standards or Prohibited Discharges - Absolute prohibitions against the discharge of certain substances, as specified in 40 CFR 403, and Article III, sections 3 & 4 of these regulations.
44. POTW Treatment Plant or Sewage Treatment Plant - That portion of the POTW designed to provide treatment to municipal sewage and industrial wastewaters.
45. Properly Shredded Garbage - shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
46. Publicly Owned Treatment Works (POTW) or Sewage Works - A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Town of South Hadley. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyances that convey wastewater to the POTW treatment plant. This does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For purposes of these regulations, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.
47. Public Sewer - shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

48. Sanitary Sewer - shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
49. Small Commercial Discharge Authorization – A local permit used to regulate a specific commercial category. The authorization is issued to all establishments within the category, however a modified authorization can be issued to an individual location with additional concerns or non-compliance issues. Subject to the most current fees and guidelines approved by the Board of Selectmen.
50. SelectBoard - This shall be the duly elected SelectBoard of the Town of South Hadley, acting in accordance with Chapter 83 of the General Laws. The Board, may, from time to time, delegate its authority under portions of or all of these Rules and Regulations to various Town employees and/or representatives. The SelectBoard are the designated “Sewer Commissioners” for the Town of South Hadley, having oversight of all Town sewers including but not limited to sanitary, separated, combined and storm sewers.
51. Septic or Holding tank waste - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
52. Sewage - shall mean a combination of the water-carried wastes from the residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
53. Sewage Treatment Plant - shall mean any arrangement of devices and structures used for the treatment of sewage.
54. Sewage Works - shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
55. Sewer - shall mean a pipe or conduit for carrying sewage.
56. “Shall” - is mandatory; “May” – is permissive.
57. Significant Industrial User (SIU) - Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:
(1) An Industrial User subject to categorical Pretreatment Standards; or
(2) An Industrial User that:
(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
(b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
(c) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.
(3) The Town may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
(a) The Industrial User, prior to Town’s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Town may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

58. Significant Noncompliance: as defined in 40 CFR 403.3

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

59. Slug Load or Discharge - Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Article III of this regulation. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violates the POTW's regulations, Local Limits or Permit conditions.

60. Standard Industrial Classification (SIC) - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

61. “Standard Methods for the Examination of Water and Wastewater” – The most recent version, as published by the American Public Health Association and approved under 40 CFR 136, shall be the basis for all laboratory testing required hereunder and the definition of all laboratory or chemical terms used herein
62. State - Commonwealth of Massachusetts.
63. Storm Drain or Sewer - shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
64. Storm Water - Any flow not sanitary or industrial in nature occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
65. Superintendent - The person designated by the Town of South Hadley to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent.
66. Temporary Discharge Permit – Local Permit category used for the regulation of short term or one-time only discharges, including but not limited to groundwater remediation projects lasting less than 6 months, tank removals, excavation waters, and industrial user special projects or trials. Subject to the most current fees and guidelines approved by the Board of Selectmen.
67. Total Suspended Solids (TSS) or Suspended Solids - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
68. Toxic Pollutant - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 30/(a) or other Acts.
69. User - Any person who contributes, causes or permits the contribution of wastewater into the Town’s POTW.
70. Wastewater - Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
71. Watercourse - shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Building Sewers and Connections

Sec. 1 – No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit form the SelectBoard.

Sec. 2 – There shall be two (2) classes of building sewer permits (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the SelectBoard. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the SelectBoard. Industrial users are directed to the requirements of Article IX of this regulation that are added through the amendment.

Sec. 3 - The SelectBoard, acting through the DPW, will construct the building sewer from the common sewer to the property line. All costs and expense for the installation of this portion of the building sewer shall be borne by the applicant or property owner. The Town shall be indemnified from any loss or damage that may directly or indirectly be occasioned by the installation of this portion of the building sewer. The applicant is responsible for the connection from the main to the building, which must be inspected by the DPW.

Sec. 4 – The property owner shall construct the building sewer from the main to within five (5) feet of the building. This construction shall be in accordance with the requirements of the SelectBoard and as herein noted. No portion of this construction shall be “backfilled” or otherwise covered until inspected by the authorized agent of the SelectBoard and written approval given thereof.

Sec. 5 – The SelectBoard will charge an “entrance fee” for the connection of the building sewer to the common sewer, and Inspection Fees for new connections. The fees shall be as follows:

| | | |
|----------------|---------------------------|-----------------------|
| Entrance Fees: | Single Family House | \$ 900.00 |
| | Each Additional Family | \$ 900.00 |
| | Commercial and Industrial | As determined by DPW. |
| Inspection Fee | Residential | \$ 150.00 |
| | Commercial | \$ 300.00 |

Note: The SelectBoard will determine the entrance fee for industrial and commercial buildings from a consideration of the building size and the volume and strength of anticipated domestic and industrial waste.

Sec. 6 – The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the State Plumbing Code, as applicable, the procedures set forth in appropriate specifications of the A.S.T.M., and W.P.C.F. Manual of Practice No. 9, and the requirements of the SelectBoard.

- (a) Pipe shall be a minimum of 4-inch.
- (b) Pipe material shall be made of cast iron, ductile iron or SDR35 plastic pipe, or similar material and subject to the approval of the DPW; all materials to be of sufficient strength for the particular installation.

- (c) Pipe joints shall be factory made, push on joints.
- (d) All building sewers shall be laid straight to line and grade with a minimum pitch of ¼' per foot.
- (e) All building sewers shall be carefully bedded in suitable material and backfilled to prevent damage.
- (f) All pipe, joints, and connections shall be watertight and gastight.
- (g) All materials must be approved by the SelectBoard or their representative before installation.
- (h) The applicant for the building sewer permit shall notify the DPW when the building sewer is ready for inspection. The connection shall be made under the supervision of a representative of the DPW.

Sec. 7 – 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 be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 8 – Old building sewers may be used in connection with new building sewers only when they are found, on examination and test by the DPW, to meet all requirements of these Rules and Regulations.

Sec. 9 – Whenever possible, the building sewer shall be brought 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, sanitary sewage carried by such a building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 10 – No person shall make connections of roof downspouts, foundation drains, 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 a public sewer. Sump or cellar pumps used for the control or relief of ground water and/or drainage shall not be discharged to the building sewer, either directly or indirectly.

Sec. 11 – All excavations for building sewer installations shall be adequately guarded 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 satisfactory to the SelectBoard.

ARTICLE III

Use of the Public Sewers

Sec. 1 – No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2 – Stormwater and all other unpolluted waters and drainage shall be discharged to such sewers as are specifically designated as storm sewers; or to a natural outlet approved by the SelectBoard. Industrial cooling water or unpolluted process waters may be discharged, on approval by the SelectBoard to a storm sewer, combined sewer or natural outlet.

Sec. 3 - No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers, whether or not they are subject to categorical standards or any other Federal, State or Local Pretreatment Standards or Requirements:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases, heat or any other pollutant including oxygen demanding pollutants in such flow and/or concentration either singly or by interaction with other wastes which will cause Interference or Pass Through as defined in Article I or constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant. This shall include but is not limited to heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F).
- (c) Any waters or wastes having a pH lower than 5.0 or more than 12.0, or having any other corrosive property which will cause corrosive structural damage to the POTW or collection system.
- (d) 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 sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (e) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.
- (f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (g) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (h) Any trucked or hauled pollutants, except at discharge points designated by the Town of South Hadley.
- (i) Pollutants in excess of local industrial pretreatment limits, adopted by the Town of South Hadley on October 24, 1995, and designed to protect the treatment works from Pass Through or Interference, protect receiving water quality and sludge quality, protect against treatment inhibition and to protect worker health and safety as required and approved by US EPA.

| | | |
|-----------------------|------------|-------------|
| The Local Limits are: | Cadmium | 0.028 mg/L |
| | Copper | 1.620 mg/L |
| | Lead | 2.130 mg/L |
| | Mercury | 0.016 mg/L |
| | Titanium | 11.160 mg/L |
| | Toluene | 2.040 mg/L |
| | Heptachlor | 0.003 mg/L |
| | TSS | 1500.0 mg/L |

All of the local limits with the exception of TSS are maximum daily average concentrations. The value for TSS is a maximum daily grab concentration.

Sec. 4 – In addition to the prohibitions set forth in Section 3 of Article III, the following substances shall not be discharged to the common sewers without prior approval from the SelectBoard in conformance with the requirements of 40 CFR 403.18 (Modifications of POTW Pretreatment Programs). Such approval shall be specified as requirements of an individual user discharge permit. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the SelectBoard that such wastes can harm either the sewers, sewage 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 their opinion as to the acceptability of these wastes, the SelectBoard will give consideration to such factors as the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances which shall not be discharged to the common sewers without prior approval of the SelectBoard are:

- (a) Any liquid or vapor having a temperature higher than one hundred and four (104°) F at the point of discharge.
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l of containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) °F (0 and 65°C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourth (3/4) horsepower (0.76 ph metric) or greater shall be subject to the review and approval of the SelectBoard.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing phenols, or other taste-or odor-producing substances, in such concentrations exceeding limits which may be established by the SelectBoard as necessary, after treatment of the composite sewage, to meet the requirements of the State Division of Water Pollution Control.
- (f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the SelectBoard in compliance with applicable State or Federal regulations.
- (g) Any waters or wastes having a pH of less than 5.0 or more than 12.0 in the building sewer.

- (h) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids.
 - (2) Excessive discoloration.
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements.
 - (4) Unusual volume of flow.
- (i) Waters or wastes containing cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer or of one (1) mg/L as CN after dilution by the minimum flow in the common sewer.
- (j) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (k) Medical wastes, except as specifically authorized by the Town in a Wastewater Discharge Permit.
- (l) Detergents, surface-active agents, or other substances in quantities which might cause excessive foaming at the POTW.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 5 – If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the SelectBoard, may have a deleterious effect upon the sewage works, process, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the SelectBoard may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the SelectBoard 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 SelectBoard, and subject to the requirements of all applicable codes, ordinances, and laws.

Sec. 6 – Grease, oil and sand interceptors shall be provided when, in the opinion of the SelectBoard, they are necessary for 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 SelectBoard, shall

comply with the Town's Fats, Oils, and Grease Rules and Regulations for Food Service Establishments if applicable, and be located so as to be readily accessible for cleaning and inspection. Units shall be maintained at the owner's expense. Units operated by Food Service Establishments shall be inspected, cleaned and maintained in accordance with all of the requirements specified in the Town's Fats, Oils, and Grease Rules and Regulations for Food Service Establishments

Sec. 7 – The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization. Where preliminary treatment or flow-equalizing facilities are provided for any wasters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 8 – When required by the SelectBoard, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the SelectBoard. The manhole shall be installed by the owner at his expense, and shall be maintained by the owner so as to be safe and accessible at all times.

Sec. 9 – All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the procedures approved by EPA and specified in 40 CFR Part 136 and amendments thereto, unless otherwise specified in a Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods.

Samples shall be collected at the control manhole provided; if no special manhole has been required, the control manhole shall be considered the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by methods determined by the SelectBoard to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

Sec. 10 - Hauled Wastewater - Hauled wastewater may be accepted upon approval by the Superintendent only at specified locations, during normal POTW business hours, and such discharge shall be overseen by plant personnel.

- a) Septic tank wastewater shall not be contaminated with any other material that would violate any condition of these Rules and Regulations.
- b) Industrial Wastewaters are subject to all requirements of these Rules and Regulations. Generators may be required to obtain a Wastewater Discharge Permit, provide analytical data on material prior to acceptance, and provide appropriate legal waste tracking forms for each load to be accepted. The Superintendent may require samples be taken of any load to ensure compliance with any applicable standards, and may prohibit the disposal of hauled wastewater.

Sec. 11 – No statement contained in this 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, and subject to compliance with applicable Federal and/or State discharge standards and limitations.

ARTICLE IV

Protection from Damage

Sec. 1 – No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE V

Powers and Authority of Inspectors

Sec. 1 – The SelectBoard and other duly authorized employees and representatives of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Rules and Regulations.

Sec. 2 – While performing the necessary work on private properties referred to in Article V, Section 1, above, the SelectBoard or duly authorized employees and representatives of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall hereby indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage assessed against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, Section 8.

Sec. 3 - The SelectBoard and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 4 - The POTW Superintendent and other duly authorized employees of the Town bearing proper credentials shall be permitted ready access at all reasonable times to all parts of the premises for the purpose of inspection, observation, measurement, sampling, testing, and records examination, in the performance of their duties in accordance with the provisions of these Rules and Regulations. Records shall also be available for

copying. The Town shall have the right to set up on the User's 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 their premises, the User shall make necessary arrangements with their security guards so that on presentation of suitable identification, personnel from the Town will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Sec. 5 - Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of these Regulations.

ARTICLE VI

Enforcement and Penalties

Sec. 1 – Whenever, on the basis of information available to it, the Town acting through the SelectBoard or its designees determines that any User is in violation of any section of these Regulations, including any condition or limitation required by a permit issued under these Regulations, the Town may take any or all of the follow actions:

- (1) issue a Notice of Violation; or
- (2) publish Notice of Violation publicly; or
- (3) issue an order requiring the User to comply with such section or requirement by a specified date (Administrative Order or Compliance Order); or
- (4) issue an order requiring the User to appear before the SelectBoard; explain its non-compliance and show cause why more severe enforcement actions against the User should not be taken (Show Cause Order); or
- (5) revoke any permit issued to the User by the Town under these Regulations; or
- (6) deny service to or disconnect the User; or
- (7) bring a Civil Action in accordance with Section 4 of Article VI of these Regulations; or
- (8) seek criminal action as provided by law; or
- (9) Assess a Non-Compliance Fee as specified under the approved Enforcement Response Plan.
- (10) take any other action available to it under federal, state or local laws, rules or regulations.

Remedies Nonexclusive: The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User. Issuance of a compliance order shall not be a prerequisite to nor shall it preclude court action or any other action by the Town.

Sec. 2 – Whenever, on the basis of information available to it, the Town, acting through the SelectBoard or its designees, determines that a discharge presents an imminent endangerment to the health or welfare of

persons, the Town shall, after informal notice to the User, take action to halt or prevent the discharge immediately and effectively. Such action may include, but is not limited to, any or all of the following: taking steps to disconnect the User from the public sewer or bringing a Civil Action for injunctive or other relief as set forth in Section 4 of this Article.

Sec. 3 - Whenever, on the basis of information available to it, the Town, acting through the SelectBoard or its designees, determines that a discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW or cause Pass Through, the Town shall, after notice to the User giving the User an opportunity to respond as set forth in the notice, take action to halt or prevent the discharge. Such action may include, but is not limited to, any or all of the following: taking steps to disconnect the User from the public sewer or bringing a Civil Action for injunctive or other relief as set forth in Section 4 of this Article.

Sec. 4 - The Town may bring a Civil Action for appropriate relief to enforce these Regulations, including any requirement of a permit or order issued hereunder, in a court of competent jurisdiction. Such relief may include, but is not limited to, any or all of the following: a permanent or temporary injunction; the imposition of penalties; or the recovery of expenses as set forth in Section 6 of this Article.

Sec. 5 - Any person that violates any provision of these Regulations or any order or permit issued hereunder, or who knowingly makes any false representation in an application, record, report or plan, or falsifies, tampers with or renders inaccurate a monitoring device or method required by any regulation, order or permit issued hereunder: (1) shall be punished by a criminal fine of not more than five thousand dollars for each day such violation continues or by imprisonment for not more than one year, or both; (2) shall be subject to a civil penalty not to exceed five thousand dollars per day of such violation which may be assessed in any action brought on behalf of the Town in a court of competent jurisdiction.

Sec. 6 - Any person that violates these Regulations shall be liable for any expense incurred by the Town as a result of such violation, including, but not limited to, any or all of the following: costs; attorney's fees; loss; penalties; or damages.

Sec. 7 - Nothing in these Regulations shall prevent the Town from pursuing other legal or equitable rights or remedies which may be available to it under federal, state or local law, rules or regulations.

ARTICLE VII

Validity

Sec. 1 - All Rules and Regulations or parts of Rules and Regulations in conflict herewith are hereby repealed.

Sec. 2 - The invalidity of any section, clause, sentence, or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations, which can be given effect without such invalid part or parts.

ARTICLE VIII

Industrial Wastes

Sec. 1 – The SelectBoard is authorized and empowered to enter into agreements, issue permits, or to make other arrangements for handling and treating industrial wastes which in its opinion are amenable to treatment in the Town's POTW.

When the Board determines that a User meets the criteria for a Significant Industrial User, or is contributing to the POTW any of the substances enumerated under Article III in such amounts as to Interfere with the operation of the POTW or otherwise inhibit the achievement of the objectives of these Rules and Regulations, the Board through the POTW Superintendent shall: (1) Advise the User of the impact of the contribution on the POTW; and (2) Develop effluent limitation(s) for such User to correct the interference with, inhibition of, etc., the POTW. This type of User shall then be considered an "industrial user" and will be subject to an industrial wastewater discharge permit or special Agreement with the Board.

Sec. 2 – Federal Categorical Pretreatment Standards. All users in a designated industrial category must comply with the Federal Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapters N, Parts 405-471. As noted in Article III of the Rules and Regulations, the SelectBoard shall limit any specific pollutant discharges where such limitation is considered in the best interest of the Town in properly maintaining and operating the POTW. Upon the promulgation of a Federal Categorical Pretreatment Standard in 40 CFR Chapter I, Subchapters N, Parts 405-471 for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations, shall immediately supersede the limitations imposed under these Rules and Regulations. All users subject to Federal Categorical Pretreatment Standards will be required to obtain an Industrial Wastewater Discharge Permit as per Article IX, Section 5 of these Rules and Regulations. The SelectBoard shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

Sec. 3 - State Pretreatment Standards: All users must comply with any applicable State Standards, Statutes or Laws pertaining to Pretreatment Requirements and use of Public Sewers.

Sec. 4 - Local Limits: The Town shall establish Local Limits pursuant to 40 CFR 403.5, to protect against pass through and Interference. Pollutants may be controlled by the development of discharge limits, and / or by establishing Best Management Practices.

Sec. 5 – Dilution Prohibition: No User shall increase the use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Town or State unless expressly authorized to do so by the applicable standard or limitation.

Sec. 6 – Accidental Discharges. Each User shall provide protection from accidental discharge of prohibited materials or slug discharges of other substances as regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. The Board may require that plans showing facilities and operating procedures be submitted for review and approval prior to the construction of the facilities. In the case of an

accidental discharge or slug loading, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action being taken.

Written Notice. Within five (5) days following an accidental discharge, or slug loading, the User shall submit to the POTW Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such accidental discharge to occur are advised of the emergency notification procedure.

Sec. 7 - Slug Discharge Control Plans. The Superintendent shall evaluate whether each SIU needs a slug discharge control plan or other action to control Slug Discharges. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Superintendent may develop such a plan for any User. A slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- D. Procedures for immediately notifying the appropriate Town personnel of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and
- E. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

When a Slug Discharge Plan is determined to be necessary, the requirement shall be included in the Discharge Permit, and shall be reviewed at minimum, as part of the Permit renewal process.

Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

Sec. 8 - Whenever deemed necessary, the Superintendent or duly authorized representative may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

Sec.9 - Industries discharging to the public sewers shall perform such flow monitoring of their discharges as the SelectBoard or their representative may require, including installation, use and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the SelectBoard. Such

records shall be made available upon request by the SelectBoard and to other agencies having jurisdiction over discharges to the receiving waters.

Sec. 10 – Industrial Sewer Connection/ Wastewater Discharge Permits

- (a) Permit Application – General Any industry proposing to make a new connection to the municipal sewerage system, any industry proposing to utilize an existing connection for its wastewater discharge, and any existing industry which substantially changes the volume or character of pollutants in its discharge to the municipal system (whether or not that industry has been issued an Industrial Wastewater Discharge Permit) shall obtain and submit to the POTW Superintendent at least 45 days before the proposed date of discharge to a new connection a completed “Industrial Sewer Connection/Wastewater Discharge Application” including application fee as stipulated. The application shall meet the requirements of 40 CFR 403.8 (f) (1) (iii) (A) (2).

The POTW Superintendent will evaluate the data furnished by the industrial user and may require additional information including but not limited to additional sampling and analysis, site inspections, etc. After evaluations and acceptance of the data furnished to the Superintendent, a determination will be made as to whether the industrial user will be issued an “Industrial Wastewater Discharge Permit” subject to the terms and conditions provided therein. All costs of sampling and analysis conducted in connection with this determination, and the fee for issuance of the “Industrial Wastewater Discharge Permit” will be borne by the industry. This fee is separate from any of the sewer connection fees, sewer entrance fees, etc., which may apply.

- (b) Existing Industrial Users Existing industries discharging to the municipal sewerage system, that are required to obtain an Industrial Wastewater Discharge Permit, will accordingly be notified by the POTW Superintendent of same, and the industry must pay all associated fees within 60 days after the effective date of this amendment to the Rules and Regulations.

- (c) Permit Modifications: An Individual Wastewater Discharge Permit may be modified for good cause including significant alterations or additions to the User’s operation, processes, or wastewater volume or characteristics, POTW issues, changes in Local, State or Federal Pretreatment Standards or Requirements, or other as determined necessary by the Superintendent.

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Wastewater Discharge Permit of industrial users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. In addition, the affected Industrial User shall submit to the POTW Superintendent within 180 days after the effective date of an applicable Federal Categorical Pretreatment Standard the following information in accordance with 40 CFR Section 403.12 of General Pretreatment Regulations:

- (1) Initial (Baseline) Report: Shall include all information specified in 40 CFR 403.8 (f) (1) (iii) (A) (2), which includes identifying information; listing of environmental permits; description of operations; flow measurements of regulated and non-regulated waste streams; measurements of pollutants; compliance schedules for any additional pretreatment and/or

O&M required to meet pretreatment standards and certification by a qualified professional regarding compliance with applicable standards and the need for additional pretreatment.

(2) Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; a timetable outlining increments of progress leading to compliance will be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The compliance schedule will be subject to the approval of the Board. The User shall follow the procedure outlined in 40 CFR 403.12 (b) and (c). The User shall also submit periodic progress reports within 14 days of a milestone or final compliance date in the compliance schedule.

(3) Final Report on Compliance: See Section 6 (a) of this Article.

Further, when an Industrial User proposes to modify an existing discharge permit occurring in compliance with an Industrial Wastewater Discharge Permit, such that the volume and/or concentration of the discharge will be increased, or the constituents modified, the industrial user shall request a Permit Modification and shall furnish all necessary supporting information to the POTW Superintendent.

(4) Signatory and Certification Requirements – Any and all required Industrial User Reports required under any local, State or Federal Pretreatment Standard or requirement shall include the following certification statement as set forth in 40 CFR 403.12 and shall be signed by a responsible corporate officer, a general partner or proprietor or a duly authorized representative as set forth in Article I, section 27 of these Rules and Regulations.

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

(5) Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent must annually submit the following certification statement signed in accordance with the signatory requirements in Article I, section 27. This certification must accompany an alternative report required by the Superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 GG (3); [Note: See 40 CFR 403.3(v)(2)]
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100

gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

- (d) Permit Conditions: Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of these Rules and Regulations, and any amendments thereto, and all other applicable regulations, user charges and fees established by the Town. Permits shall include such conditions as are deemed necessary to prevent Pass Through and Interference, protect POTW's receiving water, facilitate sludge management and disposal, protect worker health and safety, and protect against damage to the Publicly Owned Treatment Works. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - (2) Effluent Limits, including Best Management Practices, based on applicable Pretreatment Standards. Numerical limits may be imposed on the average and maximum wastewater constituents and characteristics;
 - (3) Effluent Limits, including Best Management Practices, on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (4) Any grant for a monitoring waiver by the Superintendent shall be included as a condition of the User's Permit.
 - (5) Requirements for design, installation, and maintenance of monitoring and sampling facilities;
 - (6) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests, Best Management Practices to be monitored, and reporting schedules;
 - (7) Requirements for resampling, including federally mandated requirements for categorically controlled industries to resample and submit analysis within 30 days after becoming aware of a violation of a categorical limit;
 - (8) Standards and Requirements, and any applicable Compliance schedules; such schedules may not extend the time for compliance beyond that required by any applicable Local, State or Federal Law.
 - (9) Requirements to control Slug Discharges, if determined to be necessary.
 - (10) Other conditions as deemed appropriate by the Town to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.
- (e) Permits Duration: Permits shall be issued for a specified time period, not to exceed 5 years. A permit may be issued for a periods of less than a year and may be stated to expire on a specific date. The Industrial User shall apply for permit reissuance a minimum of 90 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as Federal, State or local pretreatment limitations or requirements are modified or other just cause exists. The Industrial User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) **Permit Transfer:** Industrial Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new USER, different premises, or a new or changed operation, except under the following conditions. Any succeeding owner or User must apply to the POTW Superintendent for a new or modified Industrial Wastewater Discharge Permit, or request a Permit Transfer a minimum of 45 days in advance. Such request shall include a written certification by the new owner or operator stating that there are no immediate plans to change the facility's operations or processes, identifies a specific transfer date, and acknowledges full responsibility for complying with the existing Permit. Failure to apply or request a transfer renders the Permit void as of the date of facility transfer.

(g) **Revocation of Permit**

The Superintendent may revoke a Permit for good cause, including but not limited to the following:

- Failure to notify of significant changes to the wastewater prior to changed discharge;
- Misrepresentation or failure to fully disclose all relevant facts and / data in application;
- Falsifying reports or certifications;
- Tampering with monitoring equipment;
- Refusal to allow (Superintendent) timely access to facility premises or records;
- Failure to pay fines or sewer charge.

(h) **Regulation of Waste received from other Jurisdictions**

If another municipality contributes wastewater to the POTW, the SelectBoard shall enter into an Intermunicipal Agreement with the contributing municipality to ensure that discharges from other entities outside of its jurisdictional boundaries are regulated to the same extent as those within.

Prior to entering into such an agreement, the (Superintendent) shall request the following information:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW, specifying Commercial and Industrial; and
- (3) Such other information as the Superintendent may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following standard conditions:

- (1) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (2) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (3) Requirements for monitoring the contributing municipality's discharge;
- (4) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

D. Commercial and Industrial Users located within a contributing Municipality.

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this regulation.
- (2) Commercial and Industrial wastewater from a User located in a contributing municipality shall meet the requirements of these regulations and the South Hadley Industrial Pretreatment Program.
- (3) If a User located in a contributing municipality meets the criteria for a significant or categorical Industrial User, that municipality shall develop an Industrial Pretreatment Program in accordance with

Federal Regulations. If such a program is developed, South Hadley shall have the right to inspect Industrial Users, and to review and approve Industrial Pretreatment Limits for those Users.

(4) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

(5) A requirement for the contributing municipality to provide [the Superintendent] with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(6) A provision ensuring [the Superintendent] access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(7) A provision to allow South Hadley the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

Sec. 6 – Reporting Requirements for Permittee

(A) 6.1 Baseline Monitoring Reports

(a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical and Non-Significant Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to [the Superintendent] a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth in 40 CFR 403.12 (b)(1)-(7). Sampling and analysis shall be performed in accordance with the requirements set forth in 40 CFR 136.

(B) Final Compliance Date Report (Categorical Standards) : Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to Pretreatment Standards and Requirements shall submit to the POTW Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the industrial user's facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to be a qualified professional. This report shall contain the signatory requirements established in Section 5 (c) (4) of Article IX.

(C) Periodic Compliance (Self-Monitoring) Reports: Any Significant Industrial User or any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Superintendent twice annually, unless required more frequently in the Pretreatment Standard or by the Superintendent, a self-monitoring report (in accord with the format and instructions issued by the Superintendent indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards, and the measured or estimated average and maximum daily flows for the reporting period.

(D) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by [the Superintendent], the results of this monitoring shall be included in the report as specified in 40 CFR 403.12(g)(6).

(a) Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is Authorized, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, [the Superintendent] may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

If sampling performed by a User indicates a violation, the User must notify [the Superintendent] within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to [the Superintendent] within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the Town performs sampling at the User's facility at least once a month, or if the Town performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Town receives the results of this sampling, or if the Town has performed the sampling and analysis in lieu of the Industrial User.

In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Superintendent or Pretreatment Standard necessary to determine the compliance status of the User.

Dates on which self-monitoring reports are to be submitted to the Superintendent will be noted on the user's Industrial Wastewater Discharge Permit. These reports shall contain the signatory and certification requirements established in Section 5 (c) (4) of Article IX.

(d) A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 1.4 GG(3) must annually submit the signed certification statement as specified in 40 CFR 403.3 (v) (2).

(E) Record Keeping Requirements Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities under these Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under these Regulations. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Town, or where the User has been specifically notified of a longer retention period by the Town.

(F) Hazardous Waste Reporting: Industrial Users shall notify the Town, The EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the Town's Wastewater treatment system of a substance, which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261 pursuant to 40 CFR 403.12(p). E. This provision does not create a right to discharge any substance not otherwise permitted for discharge by this ordinance, a permit issued hereunder, or any applicable Federal or State law.

Sec. 7 - Pretreatment: Users shall provide necessary wastewater treatment as required to comply with these Rules and Regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facility required to pretreat wastewater to a level acceptable to the SelectBoard shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the SelectBoard for review, and shall be approved by the Board before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Board under the provisions of these Rules and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Board prior to the User's initiation of the changes.

Sec. 8 – Pretreatment Violations Publication: The Town shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which were in significant non-compliance, as defined in Article I section 53, with applicable Pretreatment Requirements or Standards at least once during the 12 previous months.

Sec. 9 – Confidential Information: Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, any type of individual wastewater discharge permits, small commercial discharge authorizations and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and

is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

Sec. 10 – Charges and Fees: To provide for the recovery of the costs from Industrial Users of the Town’s POTW for the implementation of the industrial pretreatment program established herein, the Town may adopt charges and fees as follows.

- (a) fees for monitoring, inspections and surveillance procedures;
- (b) fees for reviewing accidental discharge procedures and construction;
- (c) fees for permit applications;
- (d) charges to cover the cost of consultant’s services required to carry out the review of specific applications for industrial wastewater discharges;
- (e) fees for consistent removal (at the POTW) of pollutants otherwise subject to Federal Pretreatment Standards;
- (f) other fees as the Town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by the industrial pretreatment program and are separate from all other fees chargeable by the Town, such as sewer entrance fees, sewer user charge fees, etc.

Adoption of Rules and Regulations Governing the Use of Public Sewers for the Town of South Hadley, Massachusetts

This Rules and Regulations for the Use of Public Sewers for the Town of South Hadley, Massachusetts was adopted by the SelectBoard at its regular meeting of _____ and is to be effective as of _____ after notice having been published in the _____.

SELECTBOARD
TOWN OF SOUTH HADLEY, MA

By:

Attest:

Approved as to Form:

Town Counsel