



* Backup Material for
STM Article #24

Memorandum

To: Mr. Todd Goldman, Superintendent, Town of Middleborough, MA

From: William Dana Green, CDM
Greg Roy, CDM
Kelly Saikkonen, CDM

Date: January 17, 2011

Subject: Modifications to Sewer Use Ordinance based on Streamlining Rule

Background

The Town of Middleborough's Industrial Pretreatment Program (IPP) was developed to monitor and regulate non-domestic sewer use and enforce discharge limits to the Town's Water Pollution Control Facility (WPCF). In 2008, the Town issued an Industrial User Permit to Ocean Spray Cranberries, Inc., in accordance with Article IV of the Town's Sewer Use Ordinance (Ordinance).

In 2005, the EPA signed legislation that put the Streamlining Rule into effect, revising several provision of the Federal General Pretreatment Program (40 CFR Part 403). The Streamlining Rule was put into effect to provide the control authority with the flexibility to reduce the burden of the Pretreatment Program's administrative and technical requirements without compromising the environmental objectives of the Pretreatment Program. The Streamlining Rule was designed to reduce the regulatory burden on industrial users and the control authority without adversely affecting the environment.

At the Town's request, CDM reviewed the Town's existing Ordinance and identified revisions to bring the Ordinance into compliance with the Streamlining Rule.

Sewer Use Ordinance Modifications to Comply with Streamline Rule

The Town of Middleborough Sewer Use ordinance was adopted at a Town meeting on June 18, 1990 and has not been updated since February 4, 1991. In order for the Town to be in compliance with the Streamlining Rule, the Town's existing Ordinance needs to be revised. A list of the necessary changes to the Town's Ordinance is included in the attached letter. This letter may be forwarded to the EPA to notify them of the modifications needed to bring the existing Ordinance into compliance with the Streamlining Rule.

From the review of the Town's Ordinance and Ocean Spray's Industrial User Permit, there will be no operational impacts to the Town or to Ocean Spray, as the necessary changes are

Mr. Todd Goldman
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clerical in nature. The Town does not need to modify their standard operating procedures for monitoring Ocean Spray's discharge to the WPCF and the Town does not need to issue a new permit to Ocean Spray. As such, there are no costs for the Town associated with implanting the Streamlining Rule.

Implementing Changes to Sewer Use Ordinance

The first step to bring the Town's Ordinance into compliance with the Streamlining Rule is to have the modifications summarized in the attached letter reviewed and agreed to by the WPCF's Superintendent. The Town should also forward the proposed revisions to Ocean Spray for their review. While these changes are expected to have little or no impact on Ocean Spray, including them in the review will ensure that Ocean Spray is aware of the Ordinance modifications required by the Streamlining rule.

Following review by the WPCF's superintendent, the EPA will review the modifications prior to approval and adoption by the Town Board of Selectmen. This will ensure that the changes are acceptable to the EPA. CDM is in regular contact with Jay Pimpare of the EPA and will be happy to submit the attached changes for EPA review and approval on behalf of the Town.

Once the modifications are approved by the EPA, the Town will revise the existing ordinance to reflect the Streamlining Rule changes. The Town's Board of Selectmen must then approve the revised Ordinance. Following the Board's approval, the Town's Ordinance will be in compliance with the Streamlining Rule. A copy of the revised Ordinance should be provided to Ocean Spray.

Additional Changes

In 2007, the EPA issued a guidance document, *EPA Model Pretreatment Ordinance*, which provides a model for publically owned treatment works (POTWs) that are required to develop and implement a pretreatment program consistent with the Clean Water Act requirements. This model was issued for the benefit of POTWs and was not issued for compliance.

The Town's Ordinance, which was accepted and put into effect in 1990, does not follow the EPA model and many elements of the model are not included in the Town's Ordinance. As such, the EPA may require modifications to the Town's existing Ordinance so it follows EPA's model ordinance. CDM will review any additional changes proposed by the EPA with the Town to explain the proposed changes and will recommend for or against adoption of the changes.



Ocean Spray Cranberries, Inc.
152 Bridge Street
Middleboro, Ma. 02346
Phone: 508-947-4940
Fax: 508-946-0355

February 18, 2011

Mr. Todd Goldman, Superintendent
Middleboro POTW
48 Wareham Street
Middleborough, MA 02346

Re: Modifications to Sewer Use Regulations

Dear Mr. Goldman:

I have reviewed the subject document and understand that there will be no operational impacts to Ocean Spray as stated in the letter. This letter is to serve as acknowledgement of your notification of the modifications.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Gallagher".

Patricia Gallagher
Environmental, Health and Safety Manager
Ocean Spray Cranberries, Inc.

ACCEPTED BY RECONVENED TOWN MEETING, 6-18-90, As
Article 38.

Revised by STM 2-4-91

REGULATION FOR
THE TOWN OF MIDDLEBOROUGH, MASSACHUSETTS

A REGULATION IN THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, 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 MIDDLEBOROUGH, COUNTY OF PLYMOUTH, COMMONWEALTH OF MASSACHUSETTS.

ARTICLE I
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1 Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sec. 3 of Article III. 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.

Sec. ~~21~~. "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 degrees C, expressed in milligrams per liter.

Sec. ~~23~~. "Board of Health" shall mean the Board of Selectmen of the Town of Middleborough, or their authorized agent or representative.

Sec. ~~43~~. "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 ten (10) feet outside the inner face of the building wall.

Sec. ~~45~~. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

- Sec. 56. "Bypass" shall mean the intentional diversion of wastestreams from any portion of an Industrial User's pretreatment facility.
- Sec. 67. "Combined Sewer" shall mean a sewer system which by design conveys both wastewaters and surface water runoff.
- Sec. 78. "DEP" shall mean the Massachusetts Department of Environmental Protection, Division of Water Pollution Control.
- Sec. 89. "Domestic Wastewater" or "Sanitary Sewage" shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.
- Sec. 910. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- Sec. 101. "Floatable Oil" is 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 fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- Sec. 142. "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.
- Sec. 123. "Grease" shall include the fats, oils, waxes and other related constituents found in wastewater.
- Sec. 134. "Grit" shall mean sand, gravel, cinders, or other heavy solid materials that have subsiding velocities or specific gravities substantially greater than those of the organic putrescible solids in wastewater. Grit also includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food or wastes.
- Sec. 145. "Industrial User" shall mean a person who discharges industrial wastes to the wastewater facilities of the Town.
- Sec. 156. "Industrial Wastes" shall mean the wastewater from industrial processes trade, or business as distinct from domestic or sanitary wastes.
- Sec. 167. "Interference" shall mean an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's permit (including an increase in the magnitude or duration-of a violation) or to the prevention of sewage sludge use or disposal by the POTW in

accordance with applicable Federal, State or local statutes and regulations or permits issued thereunder. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with applicable requirements whenever such user:

- a. discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or local law;
- b. discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or
- c. knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage, sludge use or disposal in accordance with the applicable requirements as they apply to the POTW's selected method of sludge management.

Sec. ~~178~~. "May" is permissive (see "shall", Sec. 30).

Sec. ~~189~~. "National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any regulations containing pollutant discharge limits promulgated by USEPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

Sec. ~~1920~~. "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. ~~201~~. "Pass-Through" shall mean the discharge of pollutants through the POTW into waters of the Commonwealth in quantities or concentrations' which are a cause of or significantly contribute to a violation of any requirement of the POTW's permit (including an increase in the magnitude or duration of a violation). An industrial user significantly contributes to such permit violation where it:

- a. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or local law;
- b. Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;
- c. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources would result in a permit violation; or
- d. Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user discharge either alone or

in conjunction with discharges from other sources, increases the magnitude or duration of the POTW violations.

Sec. 212. "Person" shall mean any agency or political subdivision of the Commonwealth, the federal government, any public or private corporation or authority, individual, partnership or association, or other entity, including any officer of a public or private agency or organization, upon whom a duty may be imposed by or pursuant to any provisions of M.G.L. c. 21, ss. 26-53.

Sec. 223. "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen-ions, in grams per .liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} ,

Sec. 234. "POTW or Publicly Owned Treatment Works" shall mean a wastewater treatment works which is owned by. a. State or a municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage, or industrial waste of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW wastewater treatment works. The term also means the municipality which has jurisdiction over discharges to and the discharges from such a treatment works.

Sec. 245. "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 1/2 inch (1.27 centimeters) in any dimension.

Sec. 256. "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Sec. 267. "Screening Level" means that concentration of a pollutant which under baseline conditions would cause a. threat to personnel exposed to the pollutant, or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

Sec; 278. "Sanitary Sewer" shall mean a sewer which carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, surface, and surface waters that are not admitted intentionally.

Sec. 289. "Sewage" shall mean the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface, water as may be present. The preferred term is "wastewater" (Sec. 36).

Sec. 2930. "Sewer" shall mean a pipe or conduit for carrying wastewater or drainage water.

Sec. 301. "Shall" is mandatory (see "may", Sec. 17).

Sec. 32. "Significant Industrial User (SIU).

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 blow down 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 Superintendent 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 blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a) The Industrial User, prior to the 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 40 CFR 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.

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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."

Sec. 313. "Slug" is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. Slug is also defined as any pollutant -(including Biochemical Oxygen Demand) released in a discharge at a flow and/or concentration which will cause interference with the operation of the treatment works.

Sec. 324. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 335. "Superintendent" shall mean the Wastewater Superintendent of the Town of Middleborough or his authorized deputy, agent, or representative.

Sec. 346. "Suspended Solids" shall mean total suspended matter that 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 "Standard Methods for the Examination of Water & Wastewater" and referred to as nonfilterable residue.

Sec. 357. "Unpolluted Water" is water of quality equal to or better than the 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 sanitary sewers and wastewater treatment facilities provided.

Sec. 368. "Wastewater" shall mean sewage, industrial waste, other wastes or any combination of the three (3).

Sec. 379. "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Sec. 384. "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and

sludge. Sometimes synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

Sec. ~~3~~ 419. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II
BUILDING SEWERS & 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 from the Board of Health.
- Sec. 2. Any person proposing a new discharge into the system or substantial change in the volume or character of pollutants that are being discharged into the system must first receive prior written approval of the Superintendent.
- Sec. 3. There shall be two (2) classes of building sewer permits under Section 1 above: (a) for residential and commercial service, and (b) for the service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Board of Health. A permit and inspection fee of \$25.00 for a residential or commercial building sewer permit and \$100.00 for an industrial building sewer permit shall be paid to the Town at the time the application is filed.
- Sec. 4. All costs and expense incident to the installation and connection of the building 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.
- Sec. 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 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, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- Sec. 6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board of Health, to meet all requirements of this regulation.
- Sec. 7. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable

rules and regulations of the Town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

- Sec. 8. 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 building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 9. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff, groundwater or cellar water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 10. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other, applicable rules and regulations of the Town, or the procedures set forth in the appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. 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 Board of Health before installation.
- Sec. 11. The applicant for the building sewer permit shall notify the Board of Health when 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 Board of Health or their agent.
- Sec. 12. 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 public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.

ARTICLE III
USE OF PUBLIC SEWERS

- Sec. 1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or non-contact cooling water to any sanitary sewer.
- Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or a natural outlet approved by the Board of Health. Industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet.
- Sec. 3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- a. Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104 degrees. Fahrenheit (40 C) or cause inhibition of biological activity in the POTW.
 - b. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
 - b.c. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure, pass-through, 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.
 - e.d. Any waters or wastes having a pH lower than 5.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities.
 - e.e. 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, cinders, sand, mud, straw; shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - e.f. Any water or wastes containing the discharge of conventional pollutants of excessive flow or concentration, heavy metals, solvents; and similar objectionable or toxic substances to such

degree that any such material discharged to the public sewer exceeds the limits established by the Superintendent, the DEP, or the National Categorical Pretreatment Standards, as promulgated by the United States Environmental Protection Agency (USEPA) for such materials.

f.g. _____ Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

g.h. _____ Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes and sludge processes, use or disposal.

h.i. _____ Wastewater with any of the following constituents at concentrations (in mg/l) greater than those indicated below:

Ammonia	25.0
Arsenic	0.3455
Cadmium	0.0079
Chromium (total)	0.1514
Copper	0.3300
Cyanide	0.0410
Lead	0.0047
Mercury	0.0010
Nickel	0.8117
Silver	0.0050
Zinc	0.3300

j. The Superintendent may develop Best Management Practices (BMPs), by regulations or in individual wastewater discharge permits to implement the requirements of Sec. 3 in Article III."

k. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

l. Pollutants which 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;

m. Trucked or hauled pollutants, except at discharge points designated by the Superintendent.”

Sec. 4. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

- a. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- b. Wastewater containing more than 100 milligrams per liter of oil and grease or floatable oil not limited by paragraph a of this section.
- c. Any garbage that has not been properly shredded (see Article I, Section 24). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation or operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric), or greater shall be subject to the review and approval of the Board of Health.

- d. Any waters or¹ wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
- e. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- f. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- g. Wastewater which has a concentration (mg/l) of any pollutant above the following screening levels. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge. The screening level for sulfate shall be adjusted when administered as a limit to account for the type of concrete used in sewer construction and the dilution present.

Sulfate	150
Sulfide	0.036
Sulfite	0.24

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 judgement of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes;
- b. Require pre-treatment 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.

The assessment of surcharges shall be limited to discharges within local limits under Section 5(d). Discharges in violation of local limits shall not be exempt from enforcement.

If the Town of Middleborough permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Town, and DEP, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected until said approval is obtained in writing. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this ordinance. Plans and specifications for the proposed pretreatment facility shall be the result of the design of a professional engineer.

- Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board of Health, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, as specified in Section 4 (b), 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 Board of Health and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject' to review by the Board of Health. Any removal and hauling of the collected materials not -performed by owner's personnel must be performed by currently licensed waste disposal firms.
- Sec. 7. All industrial waste shall be pretreated in accordance with Federal and State regulations and this ordinance to the extent required by applicable National Categorical Pretreatment Standards, State Pretreatment Standards or standards established by the Superintendent whichever is more stringent. -Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained' continuously in satisfactory and effective operation by the owner(s) at his expense.
- Sec. 8. When required by the Superintendent, the owner of any property serviced by the building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required shall be accessible 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.

All industries discharging into a public sewer shall perform such monitoring as the Superintendent or 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.

Sec. 9. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- 1) Wastewater discharge peak rate and volume over a specified time period.
- 2) Chemical analyses of wastewaters.
- 3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- 4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- 5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- 6) Details of wastewater pretreatment facilities.
- 7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Sec. 10. 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 EPA approved methods published in the Code of, Federal Regulations, Title 40, Part 136 (40 CFR 136).

1) Except as indicated in paragraphs 2 and 3 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 by the Superintendent, 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 Superintendent, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

3) For sampling required in support of baseline monitoring and 90 day compliance reports required by 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 paragraphs 40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Sec. 11. Septic tank waste (septage) will be accepted into the sewer system at a designated receiving structure within the treatment plant area, provided such wastes do not contain unusual toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the Town. Permits to use such facilities shall be under the jurisdiction of the Superintendent or his duly authorized agents. The discharge of industrial wastes as "industrial septage" requires prior approval of the DEP. Fees for dumping septage will be established as part of the User Charge System. The wastewater treatment plant operator acting in behalf of the Town shall have authority to limit the disposal of wastes, if such disposal would interfere with the treatment plant operation. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the town's wastewater treatment plant supervisor and disposal shall be accomplished under his supervision unless specifically permitted, otherwise.

Sec. 12. It shall be illegal to meet requirements of this Sewer Ordinance by diluting wastes in lieu of proper pretreatment.

Sec. 13. If sampling by an Industrial User indicates a violation, the user shall notify the Town within 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 Town within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

- a) The Town-performs sampling at the Industrial User at a frequency of at least once per month, or
- b) The Town performs sampling at the User between the time when the. User performs its initial sampling and the time when the User receives the results of this sampling.

ARTICLE IV
INDUSTRIAL PRETREATMENT

Sec. 1. Applicability. All persons discharging industrial_process wastes into public or private sewers connected to the town's wastewater facilities, shall comply with applicable requirements of Federal and State industrial pretreatment regulations (as amended), in addition to the requirements of these INDUSTRIAL PRETREATMENT RULES.

Sec. 2. Industrial Discharge Permit (IDP)

- a) IDP Required. Effective 120 calendar days after this provision is adopted by the Town, the discharge .of any industrial process waste to the town's wastewater facilities or to a public or private sewer connected to the Town's wastewater works is prohibited without a valid Industrial Discharge Permit (IDP).
- b) IDP Application. Within 60 days after the effective date of these INDUSTRIAL PRETREATMENT .RULES, persons subject to these rules shall submit an application for an IDP containing information required under applicable Federal and State industrial pretreatment reporting regulations. such information, as a minimum, shall include:
 - 1) The name and address of the facility, including the name of the operators and owners.
 - 2) A list of all environmental permits held by or for the facility.
 - 3) A brief description of the nature, average rate of production, and standard industrial classification of the operations carried out at such facility.
 - 4) An identification of the categorical pretreatment standards applicable to each regulated process.
 - 5) An analysis identifying the nature and concentration of pollutants in the discharge.
 - 6) Information showing the measured averaged daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
 - 7) A schedule of actions to be taken to comply with discharge limitations.
 - 8) Additional information as determined by the .Town may also be required.

c) Provision. The IDP will outline the general and specific conditions under which the industrial process waste is accepted for treatment at the town's wastewater treatment plant. Specifically, included in the Permit are the following:

- 1) Pretreatment and self-monitoring facilities required.
- 2) Type and number: of samples, and sampling frequency required.
- 3) The permit must list effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.

3)4) Reporting requirements:

- a) All Industrial Users must, at a frequency determined by the Superintendent, submit no less than twice per year, reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.
- b) If an individual user subject to the reporting requirements in the previous paragraph of this section monitors any pollutant more frequently than required by the Town, using procedures prescribed in Article III, Section 10, the results of this monitoring shall be included in the report.
- c) Industrial users are required to provided notification to the POTW of substances which would otherwise constitute hazardous waste if otherwise disposed of.
- d) All sampling, reporting, and record keeping shall be in accordance with 40 CFR 403.12.
- e) 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."

5. Monitoring Records.

a) Industrial users subject to the reporting requirements under this Section shall maintain records of information resulting from monitoring activities required to prepare such reports. Such records shall include for each sample:

1. The date, exact place, method and time of sampling and the names of person or persons taking the sample
2. The dates analyses were performed
3. The laboratory performing the analyses
4. The analytical techniques and methods used
5. The results of such analyses

b) 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 required by 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 Sec. 3 of Article III. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. 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 City, or where the User has been specifically notified of a longer retention period by the Superintendent. Such records shall be maintained for a minimum of three years and shall be made available for inspection and copying by the Town.

6. Additional Conditions.

- a) The Permit will be in effect for a maximum of not more than three years. It shall be the responsibility of the permittee to reapply for a new permit not less than 60 days prior to the expiration of their valid permit.
- b) The permit is non-transferable, and may be revoked by the Town for noncompliance, or modified so as to conform to discharge limitation requirements that are enacted by Federal or State rules and/or regulations.
- c) An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IDP Application to the Town at

least 60 days prior to the commencement of such discharge. The submitted Application must include plans and engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the Town, a discharge permit request is submitted by the community to the DEP on behalf of the industry. Upon approval of the Discharge Permit Request by the DEP, the industry and the Town will enter into a new or amended IDP in accordance with the procedure outlined in this subpart.

d) Industrial users will be assessed an annual fee by the Town to defray the administrative costs of the IDP program.

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e) The Industrial Discharge Permit shall have requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

d) Signature for Reports. The reports required by Section 2(c)(4)(a) and Section 3, subsections (e) and (f) shall include the certification as set forth in Section 2(e) and shall be signed as follows:

1. By a responsible corporate officer, if the Industrial User submitting the reports required by this Ordinance is a corporation. For the purpose of this paragraph, a responsible corporate officer means (a) a president, secretary, treasurer, or 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 operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. By a general partner or proprietor, if the Industrial User submitting the reports required by this Ordinance is a partnership or sole proprietorship respectively.
3. By a duly authorized representative of the individual designated in paragraph (1) or (2) of this subsection if:
 - a) The authorization is made in writing by the individual designated in paragraph (1) and (2);
 - b) The authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - c) The written authorization is submitted to the Town.

4. If an authorization under paragraph 3 of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph 3 of this subsection must be submitted to the Town prior to or together with any reports to be signed by an authorized representative.
- d) Certification. All reports required to be signed as specified in Section 2(d) shall include the following certification:

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 ensure 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.

Sec. 3. National Categorical Pretreatment Standards

- a) Notification. The Town shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.
- b) Compliance Date for Categorical Standards. Compliance with categorical pretreatment standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance time is specified in the standards.
- c) Amendment to IDP Required. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to town wastewater facilities after the compliance date of such standards unless an Amendment to its IDP has been issued by the Town.
- d) Application for IDP Amendment. Within 120 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an IDP Amendment. The application shall contain the information noted under Section 2 (b) of these rules.
- e) Categorical Compliance Schedule Reports. Each user subject to a compliance schedule as required under Article IV, Section 2 (b)(7) or 40 CFR 403.12 (b)(7), shall report on progress toward meeting compliance with these regulations as follows:
 - (1) Not later than 14 days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress report to

the Town indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reason for the delay, and the steps being taken by the industrial user to return the progress to the schedule established.

- (2) The time for any increment in the schedule, or the interval between reports required in paragraph (1), shall not exceed nine months. An increment is the time between the dates for commencement and completion on major events leading to the construction and operation of pretreatment facilities necessary to achieve compliance with this ordinance and National Categorical Pretreatment Standards.
- f) Report on Compliance with Categorical Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into the town sewer, any industrial user subject to pretreatment standards and requirements shall submit to the Town a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized agent (see Section 2 (d)) and certified by a qualified professional engineer.
- g) Fraud and False Statements. Fraudulent and false statements made in any of the reporting associated with 40 CFR 403.12 are subject to 18 U.S.C. Section 1001 and Section 309(c)(4) of the Clean Water Act.

Sec. 4. ~~Slug Discharge Notification. Industrial users shall immediately notify the Town of any slug discharged of process waste by such user to the Town's system, or of any changes at its facility affecting the potential for a slug discharge."Slug Discharge Notification. Industrial users shall immediately notify the Town of any slug of process waste discharged by such user to the town's system.~~

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Sec. 5. Bypass Discharge Notification. 'Industrial users shall notify the Town' at least ten-days in advance of the need for a bypass in violation of their IDP. Notification of unanticipated bypasses shall be made to the Town within 24 hours of the bypass with a written submission within 5 days as established by 40 CFR 403.17.

Sec. 6. Imminent Endangerment. The Town may, after informal notice to the industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare applicable, or any discharge presenting, or which may present, an endangerment to the

environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facicomplianceions which may be taken'by the Town include ex-parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to haltsuch discharge, or demand of specific action by the industry.

Sec. 7. Investigations. The Town shall investigate instances on non-compliance with industrial pretreatment standards and requirements.

Sec. 8. Public Information. Information and data submitted to the Town under this, part relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the, public at least to the extent provided by 40 CFR Section 2.302.

Sec. 9 Publication of Users in Significant Non Compliance. The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

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- 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 in Article III;
- 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, as defined Article III, 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 as defined by Article III (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."

ARTICLE V
PROTECTION FROM DAMAGE

Sec. 1. No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities.

ARTICLE VI
POWERS AND AUTHORITY OF INSPECTORS

- Sec. 1. The Town shall, as necessary, sample and analyze the wastewater discharges of contributing industries and conduct surveillance and inspection activities to identify independently of information supplied by such industries, occasional and continuing non-compliance with industrial pretreatment standards. Each industry will be billed directly for costs incurred for analysis of its wastewater. All industries discharging to the town system shall allow access at reasonable times to Town, DEP, and USEPA personnel for the purposes of investigating and sampling discharges from the industries.
- Sec. 2. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industry may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. The information in question shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the industry. However, information about wastewater discharged by the industry (flow, constituents, concentrations and characteristics) shall be available to the public without restriction.
- Sec. 3. While performing the necessary work on private properties referred to in Article VI, Section 1, above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company.

ARTICLE VII
PENALTIES

Sec. 1. Any person found to be violating any provision of this regulation shall be liable to a civil penalty in the amount not exceeding \$5000 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

ARTICLE VIII
VALIDITY

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE IX
ORDINANCE IN FORCE

Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.