

**ARTICLE XIV**

**DISCHARGE OF WASTEWATER, DRAINAGE, SUBSTANCES OR WASTES**

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## **PREAMBLE**

**PURPOSE:** A by-law to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, including the wastewater treatment plant, and providing for the charges relative thereto and penalties for violations thereof, in the Town of Nahant, Commonwealth of Massachusetts.

## **ARTICLE I**

### **DEFINITIONS**

- 1.1 **Act:** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.
- 1.2 **Applicant or owner:** Any person requesting approval to discharge industrial or domestic wastewater directly or indirectly into the facilities of the Commission.
- 1.3 **Approved laboratory procedure:** Analytical test procedures identified in the EPA Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136), or any other EPA approved procedure.
- 1.4 **Average daily flow:** Shall mean the total volume measured in gallons of wastewater for a period of time (in days) measured at the entrance to the Water Pollution Control Plant, divided by the number of calendar days in that period of time. Upon commencement of the first full fiscal year that treatment services are provided, “Average daily flow” shall be calculated on an annual basis.
- 1.5 **Biochemical oxygen demand (BOD):** The quantity of oxygen utilized in the biochemical oxidation of the organic matter under Approved Laboratory Procedures, five (5) days at twenty degrees Centigrade (20°C or 68°F), expressed in terms of milligrams per liter (mg/l).
- 1.6 **Board:** Shall mean the duly elected Board of Selectmen of the Town or their authorized deputy, agent, or representative.

- 1.7 Building sewer: The extension from the building drain to the public sewer or other place of disposal. (See “Connection)
- 1.8 Chemical oxygen demand (COD): The amount of oxygen required for the complete chemical oxidation of organics and oxidizable inorganics in a liquid under Approved Laboratory Procedures, expressed in milligrams per liter (mg/l).
- 1.9 City: The City of Lynn, County of Essex, a municipal corporation of the Commonwealth of Massachusetts.
- 1.10 Combined sewer: Shall mean a sewer receiving and transporting both wastewater and stormwater.
- 1.11 Commission: The Lynn Water and Sewer Commission (LW&SC).
- 1.12 Connection: Any building or house sewer, stormwater sewer, force main, or other conduit or means permitting discharge of water or wastes directly or indirectly to a public sewer.
- 1.13 Cooling water: The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources. Such water shall contain no polluting substances which could produce BOD, SS or toxic pollutants or substances limited in these amended by-laws.
- 1.14 Department of Environmental Quality Engineering (DEQE): The Commonwealth of Massachusetts Department of Environmental Quality Engineering
- 1.15 Discharge: The releasing, spilling, leaking, pumping, pouring, flowing, emitting, emptying or dumping of pollutants or wastewater into the POTW or local sewer system.
- 1.16 Domestic sewer: see “Separate Sanitary Sewer”.
- 1.17 Domestic wastewater: see “Sanitary Waste”.
- 1.18 Effluent: Wastewater flowing out of any treatment device of facility.
- 1.19 Environmental Protection Agency (EPA): The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- 1.20 Executive Director: The Executive Director of the Commission or his/her duly appointed deputy, agent or representative.
- 1.21 Facilities: Shall include structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposing of domestic wastewater and/or industrial or other wastewater as are disposed of by means of such structures and conduits, including treatment and disposal works, necessary intercepting, outfall and outlet sewers, and

pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

- 1.22 Force main: A pipeline carrying flow under pressure.
- 1.23 Garbage: Shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.
- 1.24 Governing participant: The participant with jurisdiction over a particular sewer, sewer connection or discharge.
- 1.25 Grease or oil: The quantity of grease and/or oil, including the non-petroleum-based pollutants of animal and vegetable origin, and the petroleum-based pollutants, as determined by the statistical method for oil and grease referenced in 40 CFR part 136.
- 1.26 Groundwater: Shall mean all sub-surface waters, including fresh water and salt water.
- 1.27 Holding tank waste: Wastes from detention tanks, such as vessels, chemical toilets, septic tanks and vacuum-pump tank trucks.
- 1.28 Industrial user: Any use of the POTW or local sewer systems discharging wastewater containing industrial wastes.
- 1.29 Industrial waste: Any liquid, gaseous or solid substances or a combination thereof resulting from any process of industry, manufacturing, trade or business, as distinct from sanitary wastes and from cooling water.
- 1.30 Influent: Wastewater, untreated or partly treated, flowing into a wastewater treatment device or facility.
- 1.31 Influent limitations: Means the limitations placed upon the amounts of various pollutants permitted into the POTW treatment plant, and as more specifically set out in "Appendix A" of the Lynn Water and Sewer Commission's rules and regulations.
- 1.32 Interfere or Interference: A discharge by an industrial user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment process or operations, or its sludge process, use or disposal, and which 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 by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), and state regulations contained in any state sludge management plan prepared pursuant to subtitle D, the Clean Air Act, the Toxic Substance Control Act and the Marine Protection Research and Sanctuaries.

- 1.33 Invert: Shall mean the bottom inside of the sewer pipe.
- 1.34 Local sewer system: Any sewer or system of sewers which is connected directly or ultimately to the POTW and owned and/or operated by a governing participant (synonymous with “local sewage system” and “local sewers”).
- 1.35 Lynn Water and Sewer rules and regulations: Rules and regulations adopted by the Lynn Water and Sewer Commission for the direct and indirect discharge of wastewater to the Lynn Wastewater Treatment Works.
- 1.36 Maximum daily flow: Shall mean the maximum number of gallons received from all participants and recorded at the Water Pollution Control Plant during 24-hour period during any calendar year.
- 1.37 National Categorical Pretreatment Standard or Pretreatment Standards: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act, which applies to a specific category of industrial users, including prohibitive discharge limits established pursuant to 40 CFR S403.5.
- 1.38 National Pollutant Discharge Elimination System (NPDES) permit: A permit issued pursuant to Section 402 of the Act.
- 1.39 Natural outlet: Any outlet not caused by a person allowing flow into a watercourse, pond, ditch, lake or other body or surface of groundwater.
- 1.40 New source: 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.
- 1.41 Objectionable color: A discoloration of water, caused by the discharge of substances such as, but not limited to, dye wastes, tanning solutions and inks, which would cause violations of the POTW treatment plant permit or the receiving water quality standards.
- 1.42 Operating costs: Are those reasonable and necessary costs for proper and efficient operation and maintenance costs, and shall include, but not be limited to, the following: total direct plant labor costs to the LW&SC, maintenance and repairs, chemicals, power, fuel, utilities, supplies, equipment, replacement, engineering, taking and analysis of wastewater samples and legal costs and consulting services attributable directly to operation and maintenance of the Water Pollutant Control Plant. It shall also include the cost accounting related to the distribution and invoicing of operation costs.
- 1.43 Participants: The Towns of Saugus and Nahant, and the Commission.

- 1.44 Pass through: The discharge of pollutants through the POTW into navigable water in quantities or concentration which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the POTW's NPDES permit, including an increase in the magnitude of duration of a violation.
- 1.45 Peak wet weather rate of flow: Shall mean the maximum peak hourly flow expressed as millions of gallons per day, received from all participants and recorded at the water pollution control plant during any fiscal year.
- 1.46 Person: Shall mean any individual, firm company, association, society, group, trust or governmental authority.
- 1.47 pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.
- 1.48 Pollution: The man-made or man-included alteration of the natural chemical, physical, biological and radiological properties of water.
- 1.49 Pollutant: Any dredged soil, solid waste, incinerator residue, sewage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- 1.50 Premises: Any parcel of real property, including land, improvements of appurtenances, buildings, ground, etc.
- 1.51 Pretreatment: The application of physical, chemical or biological processes to reduce the amount of pollutants in, or alter the nature of the polluting properties of, wastewater prior to discharging such wastewater to the POTW or local sewer systems.
- 1.52 Pretreatment requirements: All applicable federal, state or local substantive or procedural requirements related to pretreatment, other than a national categorical pretreatment standard imposed on an industrial user.
- 1.53 Properly shredded garbage: Shall mean garbage that has 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.
- 1.54 Proper treatment: Shall mean that method of treatment and disposal of wastewater which is required by existing or future laws, regulations, ordinances, water quality standards, orders and decrees of all governmental authorities having jurisdiction over the treatment and disposal of said wastewater.

- 1.55 Publicly-owned treatment works (POTW): A treatment works as defined by Section 212 of the Act, which is owned by the Commission. This definition includes public sewers within the city and excludes those included in the local sewer system.
- 1.56 POTW treatment plant: That portion of the POTW designed to provide treatment to wastewater (synonymous with “wastewater treatment plant” and “water pollution control plant”).
- 1.57 Public sewer: Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- 1.58 Receiving waters: Shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving a discharge of wastewater.
- 1.59 Replacement costs: Shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the water pollution control plant to maintain the capacity and performance for which such plant was designed and constructed.
- 1.60 Sanitary waste: Was water, culinary wastes and liquid waste containing human excreta and similar matter. Sanitary waste does not include, and is distinguished from, industrial waste or cooling water (synonymous with “domestic wastewater”).
- 1.61 Separate sanitary sewer: A sewer intended to transport only sanitary waste and to which storm, surface and groundwater are not intentionally admitted (synonymous with “domestic sewer”).
- 1.62 Service agreement: The agreement between the Lynn Water and Sewer Commission and the Towns of Nahant and Saugus, also referred to as the “Intermunicipal Agreement”.
- 1.63 Service charges: Shall mean the charges levied on users of a wastewater works for the cost of operation and maintenance, including replacement costs, of such works.
- 1.64 Service life: Shall mean the period of time during which the Water Pollution Control Plant or a component thereof, under conditions of proper and efficient operation and maintenance is capable of performing its intended function.
- 1.65 Sewer: Shall mean a pipe or conduit for carrying wastewater.
- 1.66 Shall: is mandatory; “may” is permissive.
- 1.67 Sludge: Shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow exceeds for any period or duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, or flow, during normal operation.

- 1.68 State: Commonwealth of Massachusetts.
- 1.69 State law: Commonwealth of Massachusetts General Laws, or any other statutes or special acts of the Commonwealth of Massachusetts.
- 1.70 Standard industrial classification (SIC): A classification pursuant to the Standard Industrial Classification manual issued by the United States Office of Management and Budget, as amended and supplemented.
- 1.71 Storm sewer: A sewer which is intended to transport only storm and surface waters and drainage to which sanitary wastes and industrial wastes are not intentionally admitted (synonymous with “storm drain”).
- 1.72 Stormwater: Any flow resulting from any form of natural precipitation, excluding flow, which becomes part of the groundwater.
- 1.73 Suspended solids (SS): The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by filtering under standard laboratory procedures for “total suspended residue”, as determined by approved laboratory procedures.
- 1.74 System user: Shall mean any contributor of wastewater to the local system of any governing participant or to the POTW.
- 1.75 T.O.C.: Total organic compounds
- 1.76 Town: Shall mean the Town of Nahant, Essex County, Commonwealth of Massachusetts, acting by and through its Board of Selectmen.
- 1.77 Towns: Towns of Saugus and Nahant (synonymous with “participants”).
- 1.78 Toxic pollutant or toxic substances: Those pollutants, or combinations of pollutants, including disease-causing agents, which, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, may, on the basis of information available to the EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring. Toxic pollutants shall include, but not be limited to, those pollutants designated under Section 307 of the Act.
- 1.79 Unpolluted water: Water to which no pollutant has been added.
- 1.80 User: Any person who contributes, causes or permits the contribution of pollutants or wastewater into the POTW or local sewer system.

- 1.81 User charge: Shall mean charges levied on users of wastewater works for the cost of operation and maintenance, including replacement costs, of such works, in proportion to use. Section 204(b) (1) (A) of Public Law 92-500, as amended, and regulations issued by the U.S. Environmental Protection Agency spell out specific requirements for user charges.
- 1.82 Waste: Shall mean substances in liquid, solid or gaseous form that can be carried in water.
- 1.83 Wastewater: The liquid and water-carried industrial or sanitary wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which enters the POTW or the local sewer system (synonymous with “sewage”).
- 1.84 Watercourse: Shall mean a channel in which a flow of water occurs either continuously or intermittently.

## **ARTICLE II**

### **BOARD OF SEWER COMMISSIONERS**

#### **SECTION 2.1 Board empowered**

Pursuant to the authority granted by the General Laws of Massachusetts, the Town has established the following amended by-law covering the discharge of wastewater, drainage, substances or wastes into any sewer under its control or tributary thereto.

#### **SECTION 2.2 Powers explained**

The Town shall have the right to take appropriate legal action against any applicant who is found to be in violation hereof, including, but not limited to, the right to shut off collection services and the right to enforce penalties described herein.

## **ARTICLE III**

### **SEWER USE CHARGES**

#### **SECTION 3.1 Sewer charges for non-industrial user**

Any person owning premises accessible to the Town sewer system, other than an industrial user, shall pay a sewer user charge in accordance with a schedule to be adopted by the Board and modified by the Board annually, fully to meet the need for income to pay the proportionate share of costs, including without limitation, of operation, maintenance, insurance, renewals and replacements of all wastewater collection, treatment and disposal services provided by the Commission and the Town for this class of users. The amount of the billing shall be based upon the amount of water consumed on each premises covered by this section as the same is determined by reading the water meters. For the purposes of this section, it shall be deemed that a cubic foot of water consumed shall constitute a cubic foot of wastewater discharged, unless the owner of the premises shall provide at his sole expense an approved separate meter to measure either the flow to the sewer or to consumptive uses. In this instance, such measurement of net flow to the sewer shall be the basis of billing. The sewer use charge for this class of users shall be based on the following rate system:

$C_u = CT/VT (V_u)$  The symbols used in the system are as defined below:

$C_u$  = a user's charge for operation and maintenance of the facilities, as defined in Section 1.10 per unit of time.

$CT$  = total operation and maintenance costs of the facilities per unit of time.

$VT$  = total volume contribution of wastewater from all users per unit of time (total of water meter readings).

$V_u$  = volume contribution of wastewater from a user per unit of time (individual water meter reading).

#### SECTION 3.1.1 Owner's responsibility for payment

The owners of the premises covered by Section 3.1 shall be responsible for the payment of the sewer user charge as determined in accordance with Section 3.1 of this article and no reduction in bills rendered shall be allowed for leakage of a water meter.

#### SECTION 3.1.2 Payment of sewer user bills

All sewer user charge bills shall be payable when due. They shall be mailed or delivered by the Town Treasurer/Tax Collector as a matter of convenience to the property owner, or, upon written notice of a property owner, to the tenant of the premises. Failure of a property owner or tenant to receive a sewer user charge bill, together with any fee or penalty which may accrue or become existent by virtue of non-receipt of bill.

#### SECTION 3.1.3 Penalty for late payment

Bills due the Town for sewer user charges, if not paid within the time prescribed, shall be subject to an additional fee as deemed appropriate by the Town, such fee to be collected together with the amount of the bill.

#### SECTION 3.1.4 Installation of water meters

Whenever a property discharging wastewater into the Town sewer system it without a water meter, the Town Treasurer/Tax Collector will notify the Department of Public Works to install a meter. The Town Treasurer/Tax Collector may bill the property owner both for the cost of the meter and/or installation and for an estimated amount of wastewater discharged during the time that the property has been occupied without a meter.

#### SECTION 3.1.5 Charges for unmetered flow

When it is impossible to obtain a regular annual reading of any meter for any reason, including a meter found to be not registering or stopped, the amount of wastewater discharged shall be estimated according to the amount of wastewater discharged for similar occupancies and a bill rendered for such estimated amount of wastewater discharged. The fact that the amount of the bill has been estimated must be indicated on the bill.

#### SECTION 3.1.6 Overcharge on sewer charge bills

Complaints of overcharge on sewer user charge bills must be made on or before the 15<sup>th</sup> day after such bills are rendered and all sewer user charge bills against which no claim has been made within the time set forth above shall be considered correct and must be paid in the amount rendered.

#### SECTION 3.1.7 Property vacancy

When property becomes vacant, upon written notice from the owner of same, the Department of Public Works shall remove the water meter and seal the service in a manner that will prevent any possibility of usage without charge. The meter so removed will be stored until the Department of Public Works is notified that the property is reoccupied, when the meter will be reset, the shut-off seal removed and the water supply restored. No charges shall be made for sewer use during the time that the property remains vacant, provided that the foregoing provisions are fully complied with.

#### SECTION 3.1.8 Building demolition

The billing charge on any building permanently demolished shall be discontinued when conclusive proof of demolition is presented to the Town and upon payment of any existing bills up to the date of such demolition, provided that the proof presented shows that the building sewer has been sealed in a manner that will prevent any possibility of usage without charge.

#### SECTION 3.1.9 Billing period

Sewer user charge bills shall be rendered annually and in the full amount due, in advance of the present year's usage and shall be calculated based on the previous year's operation and maintenance cost of the facilities (CT) and the previous year's water consumption records,

according to Section 3.1. When no water consumption records are available, an estimated bill shall be issued, according to Section 3.1.5. Each subsequent year's bill shall be adjusted to reflect the actual operation and maintenance cost of the facilities and the actual water consumption for the year ending.

#### SECTION 3.1.10 Initial billing

For the purpose of the initial billing, pursuant to this article, in any case where the bill for sewer user charges shall cover a period less than a full year, there shall be an estimated portion of the sewer user charge and the bill shall be forwarded, based upon such estimate and shall be described on the face of the bill as an estimated billing.

#### SECTION 3.2 Sewer charge for industrial user

Any person owning premises accessible to the Town sewer system and being an industrial user shall pay a sewer user charge in accordance with a schedule to be adopted by the Board, whereby the LW&SC will collect, treat and dispose of the Town's industrial wastewater and sanitary wastewater through the Town's sewerage system and through the LW&SC wastewater treatment facilities, based on rates adopted by the Board, for annual charges consisting of capital charges and service charges, the service charge to be modified by the Board annually, fully to meet the need for income to pay the proportionate costs of the Town's wastewater works, including without limitation, operation and maintenance, insurance, renewals and replacements of all wastewater collection services provided by the Town for this class of users, and the capital charges and service charges fully to meet the need for payment of the Town's proportionate share of interest on and amortization of, or payment for indebtedness for the capital cost of the wastewater treatment facilities to be provided by the LW&SC for this class of users. The sewer user charge for this class of users shall be based on the following rate system:

- A. Flow charge =  $A1 + A2 + A3 + A4$
- B. Suspended solids surcharge =  $S1 + S2$
- C. BOD surcharge =  $B1 + B2$
- D. Unspecified constituents =  $X1 + X2$

The symbols used in the system are as defined below:

- A1 = Flow charge, in dollars per million gallons. It is based on the annual operation and maintenance costs for the Town's collection system.
- A2 = Flow charge, in dollars per million gallons. It is based on the annual capital costs for the Town's collection system.
- A3 = Flow charge, in dollars per million gallons. It is based on the Town's share of the Annual operation and maintenance costs for the City's wastewater treatment plant (WWTP) which are assignable to flow.

- A4 = Flow charge, in dollars per million gallons. It is based on the Town's share of the total annual capital costs for the City's WWTP, including land, which are assignable to flow.
- S1 = Surcharge for suspended solids in excess of an average of 300 mg/L in dollars per pound. It is based on the Town's share of the total annual operation and maintenance costs for the LW&SC wastewater treatment plant which are assignable to suspended solids.
- S2 = Surcharge for suspended solids in excess of an average of 300 mg/L in dollars per pound. It is based on the Town's share of the total annual capital costs for the LW&SC wastewater treatment plant, which are assignable to suspended solids.
- B1 = Surcharge for BOD portion of the total BOD in excess of an average of 300 mg/L in dollars per pound. It is based on the Town's share of the total annual operation and maintenance costs for the LW&SC wastewater treatment plant which are assignable to biochemical oxygen demand (BOD).
- B2 = Surcharge for BOD portion of the total BOD in excess of an average of 300 mg/L in dollars per pound. It is based on the Town's share of the total annual capital costs for the City's wastewater treatment plant which are assignable to BOD.
- X1 = Surcharge for any other constituents which may be specified and may include, but not be limited to, COD and TOC. It is based on the Town's share of the total operation and maintenance costs for the LW&SC wastewater treatment plant, which may be assigned to any presently unspecified constituents in the wastewater.
- X2 = Surcharge for any other constituents which may be specified and may include, but not be limited to, COD and TOC. It is based on the Town's share of the total annual capital costs for the LW&SC wastewater treatment plant which may be assigned to any presently unspecified constituents in the wastewater.

#### SECTION 3.2.1 Monitoring industrial wastewater flow

All industries discharging into a public sewer shall perform such monitoring of their discharge flow as the Board and/or the Lynn Water and Sewer Commission, or any duly authorized employee of the Town or Commission may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board and/or Commission. Such records shall be made available to any other agencies having jurisdiction over discharges to the receiving water, upon request to the Board and/or the Commission.

#### SECTION 3.2.2 Billing period

The sewer user charges for industrial users shall be billed and shall be payable on an annual basis. For each year, the user shall be billed in an amount equal to the annual amount of capital charges, plus a service charge based on the annual flow and discharge of suspended solids and biochemical oxygen demand at the rates established for that year.

#### SECTION 3.2.3 Payment of industrial user charge bills

All sewer user charge bills shall be payable when due. They shall be mailed or delivered to the user as a matter of convenience. Failure of a user to receive a sewer user charge bill shall not release the user from payment of such bill, together with any fee or penalty which may accrue or become existents by virtue of non-receipt of bill.

#### SECTION 3.2.4 Penalty for late payments

Bills due the Town for sewer use, or any other service, if not paid within the time prescribed, shall be subject to an additional fee as deemed appropriate by the Town, such a fee to be collected together with the amount of the bill.

#### SECTION 3.2.5 Overcharge on industrial user charge bills

Complaints of overcharge on sewer user charge bills must be made before the 16<sup>th</sup> day of the month in which such bills are rendered and all sewer user charge bills against which no claim has been made within the time set forth above shall be considered correct and must be paid in the amount rendered.

#### SECTION 3.2.6 Industrial cost recovery payment

The Town shall collect industrial cost recovery payments from industrial users connected to the wastewater works at least annually. All payments to the Town under this section shall be in conformance with EPA requirements for industrial cost recovery. The Town shall arrange to perform sampling of industrial wastewater from major industries at least annually. Minor industries shall be sampled on a random basis. The Town shall be required to maintain all industrial cost recovery records pursuant to regulations. Such records shall include:

1. Documentation of the final grant amount
2. The originally approved industrial cost recovery system and all documentation related thereto.
3. All subsequent revisions to the industrial cost recovery system and all documentation related thereto.
4. A listing of contributing industries and their wastewater loads to the system.
5. Information on the total wastewater loading of the system.

6. The Town's notification to the United States Environmental Protection Agency (EPA) of initiation of operation of the industrial cost recovery system.
7. All approval(s) of the use of retained funds.
8. The record of the Town's annual payments to the EPA and documentation related thereto.
9. Records relating to retention and investment of these funds set aside for future expansion and reconstruction

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### SECTION 3.3 Measuring, recording and sampling devices

All meters and all other measuring and sampling devices installed or required to be used under the provisions of this by-law shall be readily accessible to the Town and the Lynn Water and Sewer Commission. The owner of the property upon which any such measuring, recording or sampling device is installed shall pay for and shall remain responsible for its maintenance and accuracy. All repairs and calibrations thereto shall be made at the owner's expense, whether such repairs are made necessary by ordinary wear and tear or by other causes. These repairs shall be made within a reasonable time period. After proper notification, the Town and the Lynn Water and Sewer Commission can undertake such repairs and the bills for said repairs shall be due and payable at the same time, shall be collected in the same manner and shall be subject to the same penalties as are the bills for repairs of water meters. Energy for continuous operation, as required, shall be provided and paid for by the property owner. Flow record charts shall be marked to show time and totalized register reading at time of change, and shall be filed with the Town as soon as removed.

### SECTION 3.4 Required control manhole and/or monitoring station

1. Every industrial user shall install either a suitable control manhole or a suitable monitoring station in each industrial plant connection to the Town sewer system. Control manholes shall be suitable for inspection, observation, sampling, testing and measurement of plant discharge. Monitoring stations shall provide safe adequate space and equipment for continuous flow rate measurement and recording, and for the taking of 24-hour composite samples proportional to rate of flow, with refrigeration of samples.
2. Each such control manhole and/or monitoring station shall be readily accessible and shall be located and constructed in accordance with plans approved by the Town and the Lynn Water and Sewer Commission. The control manhole and/or monitoring station with equipment 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 to the Town and the Lynn Water and Sewer Commission. If continuous and immediate access to the monitoring station is not available to the Town and the Lynn water and Sewer

Commission, a control manhole to which there is access, shall be provided by the industry in addition to the monitoring station. There shall be no more than two monitoring stations for any one industrial plant, unless specifically authorized by the Town and the Lynn Water and Sewer Commission.

#### **ARTICLE IV**

#### **UNLAWFUL DISCHARGE PROHIBITED**

##### **SECTION 4.1 Unsanitary disposal methods prohibited**

It shall be unlawful to deposit, discharge or otherwise dispose of any wastes or wastewater in any manner other than by those methods which are approved by the Town, the Lynn Water and Sewer Commission, state and federal government.

##### **SECTION 4.2 Unlawful discharge prohibited**

It shall be unlawful to discharge any wastes, domestic wastewater or industrial wastewater to a natural outlet without first obtaining any necessary federal, state or local discharge permits, performing and necessary treatment, and obtaining the approval of the Board and the Lynn Water and Sewer Commission.

##### **SECTION 4.3 Sewer use required**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the Town, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these by-laws within ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

#### **ARTICLE V**

#### **BUILDING SEWERS AND CONNECTIONS**

##### **SECTION 5.1 Permit required**

The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Town, is required, at his expense, to install suitable toilet facilities therein. All new facilities shall be connected with the proper sewer

unless otherwise approved by the Town. All existing facilities must connect with the proper public sewer, provided said sewer is within one hundred (100) feet of the property line, within ninety (90) days after the date of official notice by the Town to do so. All wastes, domestic wastewater or industrial waste, within the Town, shall be discharged to the public sewer, unless otherwise approved by the Town. Where approved by the Town, such discharge to other than the public sewer shall comply with all laws and regulations of the Town, state and federal governments. Whenever any drain connecting with any main drain or common sewer shall become clogged, obstructed, broken, out of order, or detrimental to the use of the sewer or other drains, or unfit for the purpose of drainage, the owner, agent, occupant or person having charge of any building, yard, lot of land or other premises which are drained by said drain shall, when directed by the Town, remove, reconstruct, repair, alter, or cleanse said drain, as the condition of said drain may require. In the case of neglect or refusal to remove, reconstruct, repair, alter or cleanse said drain for the space of five (5) days, the Town shall cause the same to be removed, reconstructed, repaired, altered or cleansed, as it may deem expedient, at the expense of the owner, agent, occupant or other person, as aforesaid, and such owner, agent, occupant or other person shall also be liable to a penalty not exceeding fifty dollars (\$50.00).

#### SECTION 5.2 Application fee required

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 Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit and twenty-five dollars (\$25.00) for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

#### SECTION 5.3 Owner responsibility stated

See SECTION 9.2 of this by-law for further details.

#### SECTION 5.4 Separate building sewer required

See SECTION 6.15 of this by-law for further details.

#### SECTION 5.5 Connection test required

Old building sewers may be used in connection with new buildings in accordance with SECTION 6.16 of this by-law.

#### SECTION 5.6 Pipe size and slope specified

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of a 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 material and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. in the most current manual of practice shall apply.

#### SECTION 5.7 Drain evaluation requirements specified

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, wastewater carried by such building drain shall be lifted and discharged to the building sewer by a means approved by the Board.

#### SECTION 5.8 Building sewer placement specified

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, other sources of surface run-off or ground water to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer, or combined sewer.

#### SECTION 5.9 Construction technique specified

Future connections to extensions of the initial Town facilities shall be designed to criteria established by the Board and constructed by the person or industry desiring the additional connection, after review and approval of the plans and specifications by the Board.

#### SECTION 5.10 Inspection notice required

The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board or its representative.

#### SECTION 5.11 Excavation protection required

All excavations for building sewer installation shall be adequately guarded by the applicant with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

#### SECTION 5.12 Plumbing requirements specified

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 appropriate specifications of the A.S.T.M. and W.P.C.G. in the most current manual practice. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Board before installation.

### SECTION 5.13 Permanent records required

The applicant for a building sewer permit shall agree to provide the Town with a complete and accurate permanent record of the construction of the building sewer, including, but not limited to, a site plan showing the building sewer in its entirety, its location, size, type and any valves, connectors, or other appurtenances.

## ARTICLE VI

### USE OF THE PUBLIC SEWERS

#### SECTION 6.1 Disposal of unpolluted water prohibited

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer or combined sewer.

#### SECTION 6.2 Sub-soil drainage control

Where sub-soil drains are placed under the cellar floor, or used to encircle the outer walls of a building, the same shall be made of open-jointed drain tile or earthenware pipe, not less than four (4) inches in diameter, and shall be properly trapped and protected against back pressure by an automatic back pressure valve, accessibly located before entering the storm drain. They may be discharged through a cellar drain only in areas served by storm sewers and only with written approval of the Board.

#### SECTION 6.3 Discharge method specified

It shall be unlawful to discharge any storm water and all other unpolluted drainage, except the such sewers as are specifically designated as storm sewers, or to a natural outlet, without first obtaining any necessary federal, state or local approval and further, subject to approval by the Board and Commission.

#### SECTION 6.4 Prohibited wastes

No user shall discharge, or allow to be discharged, directly or indirectly into the POTW or local sewer system, any pollutants or wastewater which:

- a. Causes or would cause the influent at the receiving POTW treatment plant to exceed the POTW influent limitations prescribed in Appendix A of the Lynn Water and Sewer rules and regulations; or

- b. Contain prohibited or limited material or substances as specified under this by-law or the Lynn Water and Sewer rules and regulations, except upon approval of the Lynn Water and Sewer Commission, and as otherwise expressly permitted by the federal or state laws and regulations; or
- c. Are not in conformance with the industrial wastewater discharge permit, as described in Article IX; or
- d. Can endanger life, limb, public property or constitute a nuisance; or
- e. Which will, in kind or amount, cause a violation of the NPDES permit; or
- f. Which will be in violation of national categorical pretreatment standards or pretreatment requirements; or
- g. Which will pass through or interfere with the operation or performance of the POTW

Where the influent at the receiving POTW treatment plant exceeds the influent limitations for one or more pollutants, the cause of the condition shall be attributed to the industrial user or users which discharge the pollutant or pollutants in excess of that stipulated in their industrial wastewater discharge permit. Where no industrial user has been determined to be discharging in excess of the stipulations in their industrial wastewater discharge permit, or where the achieving of compliance by all such industrial dischargers is anticipated to not reduce the influent concentration below the influent limitations, then the Commission, at its discretion, may determine and designate which industry or industries are to be required to reduce their discharges sufficiently to allow the influent at the POTW treatment plant to be at or below the inflow limitations.

#### SECTION 6.5 Groundwater discharge

No user shall discharge, except as permitted by federal, state or local regulations, stormwater, groundwater, rainwater, street drainage, subsurface drainage, floor or yard drainage through direct or indirect connections to any separate sanitary sewer in the POTW or local sewer system.

#### SECTION 6.6 Unpolluted water to new connection

No user shall discharge directly or indirectly unpolluted water to any combined sewer in the POTW or local sewer system through any new connection. The Lyn Water and Sewer Commission may approve the discharge of such water only when no reasonable alternative method of disposal is available.

#### SECTION 6.7 Radioactive discharges

No user shall discharge, or cause to be discharged, any radioactive material directly or indirectly into the POTW or local sewer system except:

- a. When the user is authorized to use radioactive materials by the DEQE, the United States Nuclear Regulatory Commission, EPA, or other governmental agency empowered to regulate the use of radioactive materials; and
- b. When the waste is discharged in strict conformity with current DEQE, United States Nuclear Regulatory Commission and EPA regulations and recommendations for safe disposal, and when the user is in compliance with all rules and regulations of all other applicable regulatory agencies.

#### SECTION 6.8 Shredded garbage discharge

No user shall discharge shredded garbage from garbage grinders directly or indirectly to the POTW or local sewer system through a connection except:

- a. Garbage generated in preparation of food normally consumed on the premises; or
- b. Where the user has obtained approval from the Lynn Water and Sewer Commission for that specific user.

Plastic, glass, rags, paper or wood products, inert materials, garden refuse or any other residential, commercial or industrial solid waste shall not be discharged through a garbage grinder.

#### SECTION 6.9 Holding tank wastes

No user shall discharge any holding tank wastes containing industrial wastes directly or indirectly to the POTW or local sewer system, unless he has received approval from the Lynn Water and Sewer Commission. Where such discharge is to be to the Nahant sewer system, the user shall obtain approval of the Town of Nahant. No user shall discharge, directly or indirectly, any holding tank wastes containing sanitary waste, unless he has received approval of the Lynn Water and Sewer Commission for such discharge to the POTW, or received approval from the Town of Nahant for such discharge to the local sewer system. Unless otherwise allowed under the terms and conditions of the sewer connection permit, a separate approval must be secured for each separate discharge. The sewer connection permit will state the specific location and rate of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. The Town of Nahant shall submit promptly to the Lynn Water and Sewer Commission copies of all such sewer connection permits granted.

#### SECTION 6.10 BOD or SS concentrations

No user shall discharge, directly or indirectly, to the POTW or local sewer system any wastewater containing a BOD or SS concentration in excess of 300 mg/L, or excessive dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate), without first obtaining approval from the Lynn Water and Sewer Commission for discharge to the Lynn Water and Sewer Commission, and from the Town of Nahant for discharge to the local sewer system. Such approvals may require the user to provide, at his own expense, a sampling location or manhole

which shall be subject to the approval of the Lynn Water and Sewer Commission and the Town of Nahant.

#### SECTION 6.11 Laboratory analysis

All laboratory analysis of the characteristics of wastewater, to which reference is made in these by-laws, shall be performed in accordance with approved laboratory procedures.

#### SECTION 6.12 More stringent standards

National categorical pretreatment standards or pretreatment requirements, or any other effluent limitations or other requirements promulgated by the EPA or any other federal governmental entity having jurisdiction, shall apply in any instance where they are more stringent than those set forth in the Lynn Water and Sewer Commission's rules and regulations, or these by-laws. Pretreatment requirements and other limitations set by the DEQE shall apply in any case where they are more stringent than the federal requirements and limitations and those set out in the Commission's rules and regulations and these by-laws.

#### SECTION 6.13 Process cooling water

No user shall ever increase the use of process cooling water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant-specific limitations developed by the Lynn Water and Sewer Commission or DEQE.

#### SECTION 6.14 Separate sewers

Within the Town of Nahant, a separate and independent building sewer shall be provided for every new 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, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

#### SECTION 6.15 Old building sewers

Old building sewers within the Town of Nahant may be used in connection with new buildings only when they are found, upon examination of the Commission of by the Town of Nahant, to meet all requirements of the by-laws. Related costs of examination and tests shall be borne by the applicant.

#### SECTION 6.16 Supervision of connection

The recipient of a sewer connection permit shall notify the Commission of the Town of Nahant when the building sewer is ready for inspection and connection to the public sewer. The

connection shall be made under the supervision of the Commission, the Town of Nahant or their representatives.

#### SECTION 6.17 Sub-soil drains

Where sub-soil drains are placed under the cellar floor, or used to encircle out walls of a building, the same shall be made of open-jointed drain tile or earthenware pipe, not less than four (4) inches in diameter, and be properly trapped and protected against back pressure by an automatic backwater valve, accessibly located, before entering the storm drain. They may be discharged through a cellar drain only in areas served by storm or combined sewer and with written approval of the Commission and the Town of Nahant.

#### SECTION 6.18 Accidental discharge

Any person responsible for or becoming aware of the discharge to a public sewer, accidental or otherwise, of any prohibited or limited substance, or sludge, or of discharge in a quantity greater than approved, shall report same immediately by telephone to the Superintendent of Public Works of the Town of Nahant, and to the Chief Engineer of the Lynn Water and Sewer Commission, so that necessary precautions can be taken to minimize the deleterious effects of the discharge.

#### SECTION 6.19 Grease and oil

Grease, oil and sand interceptors, garages and other establishments where gasoline is used, or where waste containing greases in excessive amounts, or any flammable waste, sand, or other harmful ingredients, can be discharged and are connected, directly or indirectly, with public sewers, shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the Director of the Massachusetts Division of Water Pollution Control or his authorized agent, and shall be located so as to be readily and easily accessible for cleaning and inspection. Each gasoline station must have an approved gasoline trap. Each car wash must have an approved sand trap. Grease traps shall be installed for all restaurants and food service establishments, excluding retail food stores and markets, of the outdoor type of a size equal to twenty-four (24) hours normal flow design. Baffles in said grease traps are to be designed in order to ensure adequate retention in said grease trap of all grease and shall be approved by the Board of Health. Grease traps shall be pumped and maintained on a regular schedule to ensure proper operation of said grease trap. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which, when bolted in place, shall be gas-tight and watertight.

#### SECTION 6.20 Interceptors

Grease, oil and sand interceptors, flow-equalizing facilities, or any other pretreatment facilities, shall be properly operated and maintained by the owner. All users will be held responsible for the enforcement of the Massachusetts Department of Public Safety rules and

regulations requiring that garages and establishments where gasoline is used or dispensed, and which are connected with the POTW or local sewer system, be supplied with a suitable trap or separator. Such traps and separators shall be subject to the approval of the Commission and the Town of Nahant.

## **ARTICLE VII**

### **CONTROL OF PROHIBITED WASTES**

#### **SECTION 7.1 Regulatory actions**

If wastewater containing any pollutants prohibited or limited by the by-laws, or any industrial waste discharge permit issued by the Commission, are discharged or proposed to be discharged into the POTW or local sewer system, the Lynn Water and Sewer Commission or the appropriate body of the Town of Nahant may take any action necessary:

- (a) To require a user to demonstrate that modifications to his in-plant facilities will reduce or eliminate the discharge of such substances so they shall be in conformity with these by-laws or any industrial waste discharge permit; or
- (b) To require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will be in conformity with the by-laws or any industrial waste discharge permit; or
- (c) To take such other remedial action, including discontinuation of the service, as may be deemed to be necessary to achieve the purpose of the by-laws, the Commission's rules and regulations, or the inter-municipal agreement; or
- (d) To obtain payment to cover the costs of handling and treating the wastes

#### **SECTION 7.2 Pretreatment facilities operations**

If pretreatment or control of waste flows is required, such facilities shall be maintained continuously in satisfactory and effective operation by the user at his expense, and shall be subject to the requirements of these by-laws, any applicable discharge permits and all other applicable codes, ordinances and laws.

#### **SECTION 7.3 Protection from accidental discharge**

Each industrial user shall provide protection from accidental discharge of prohibited materials or other regulated wastes. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. When requested by the Lynn Water and Sewer Commission of the Town of Nahant, detailed plans showing facilities and operating procedures to provide protection from such accidental discharges shall be submitted with an implementation schedules o the Lynn Water and Sewer Commission for

review, and shall be approved by the Lynn Water and Sewer Commission and the Town of Nahant before construction of the facility. Absence of such request for review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to provide and modify as necessary, facilities to meet requirements of these by-laws, the rules and regulations of the Lynn Water and Sewer Commission, and any applicable discharge permit. Existing industrial users requested to submit such a plan shall do so within 180 days after the request by the Lynn Water and Sewer Commission, and implementation shall be completed within the time schedules approved by the Lynn Water and Sewer Commission.

#### SECTION 7.4 Reporting of accidental or non-compliance discharge

In the case of an accidental or non-compliance discharge, it is the responsibility of the user to immediately telephone and notify the receiving POTW treatment plant of the incident. The notification shall include the specific location of the discharge, type of waste, concentration and volume and any corrective actions to be taken. In addition, a detailed written report to the Lynn Water and Sewer Commission, specifying the date, time and cause of the accident or non-complying discharge, the quantity and characteristics of the discharge, corrective action taken to prevent future non-complying discharges and actions taken to minimize damage to the POTW or local sewer system, shall be files by the responsible user within seven (7) days of the occurrence of the accidental of non-complying discharge. 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 or local sewer system, fish kills or any other damage to person or property; no such notification shall relieve the user of any fine, civil penalties or other liability which may be imposed in accordance with applicable federal, state or local regulations and laws.

#### SECTION 7.5 Employees' notice

A notice shall be permanently posted on the user's bulletin board of other prominent place advising all employees of the responsible person to call in the event of an accidental or non-compliance discharge. This person shall be responsible for initiating emergence notification procedures in accordance with Section 7.4 above. Employers shall ensure that all employees, who could cause such an accident or non-compliance discharge to occur, are advised of the emergency notification procedure.

#### SECTION 7.6 Refusal of discharge

Nothing under this article shall be construed or reduce in any manner the power of the Lynn Water and Sewer Commission of the Town of Nahant to refuse the acceptance of a discharge if, in its opinion, the user is not in compliance with the provisions of any section of these by-laws, the rules and regulations of the Lynn Water and Sewer Commission of any applicable discharge permit.

#### SECTION 7.7 Special agreements for industrial discharge

No statement contained in this article shall be construed as preventing any special agreement or agreements between the Commission and any industrial user whereby an industrial

waste of unusual strength or character may be accepted by the Commission for treatment, provided that such agreements do not contravene any requirements of federal, state or local regulations.

## **ARTICLE VIII**

### **PROTECTION FROM DAMAGE**

No 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 wastewater facilities in Nahant. Any person violating this provision shall be subject to immediate arrest.

## **ARTICLE IX**

### **ADMINISTRATION**

#### **SECTION 9.1 Powers**

The Superintendent of Public Works of the Town of Nahant, or his designee, shall be empowered to make all determinations, issue all permits and take any other action required or allowed of the Town of Nahant, except any actions which are or may be specifically reserved to the Board of Selectmen or other specified persons. The Superintendent shall promulgate additional rules and guidelines and standards as may be necessary from time to time to assure the proper administration and effectuation of these by-laws.

#### **SECTION 9.2 Permits**

No person shall uncover, make any new connection to or opening into, alter or disturb the public sewer or appurtenance thereof, without first obtaining a sewer connection permit from the Town of Nahant. The Town of Nahant shall utilize permit applications, which contain the information requested in the Lynn Water and Sewer Commission's sewer connection permit applications and shall promptly submit to the Lynn Water and Sewer Commission copies of approved permit applications. Any person proposing a new discharge into the system or a substantial change in volume or character of pollutants that are being discharged into the system, shall notify the Town of Nahant at least forty-five (45) days prior to the proposed change or connection, who, in turn, shall promptly notify the Lynn Water and Sewer Commission, and in any event, such discharge must be in compliance with any applicable wastewater discharge permit. All costs and expenses incidental to the installation and connections of the building sewer shall be borne by the owner. The owner shall indemnify the Commission and the Town of Nahant from any loss that may directly or indirectly or occasioned by the installation of the building sewer. No industrial user shall discharge, directly or indirectly, to the POTW or to the

local sewer system, industrial waste, without first obtaining an industrial wastewater discharge permit from the Lynn Water and Sewer Commission, and thereafter being in compliance therewith. All existing industrial users shall apply for an industrial wastewater discharge permit from the Lynn Water and Sewer Commission within one hundred eighty (180) days after the effective date of the Commission's rules and regulations for the direct and indirect discharge of wastewater to the Lynn Water and Sewer Commission's wastewater treatment plant. All new industrial users proposing to connect to or discharge to the POTW or local sewer system shall apply for an industrial wastewater discharge permit from the Lynn Water and Sewer Commission at least ninety (90) days prior to discharge. The Building Inspector, or construction official, in the Town of Nahant, shall notify the Commission in writing prior to the issuance of a certificate of occupancy to an industrial user discharging, directly or indirectly, to the public sewers. The application for sewer connection permits and industrial wastewater discharge permits shall be supplemented by any plans, specifications or other information considered pertinent by the Lynn Water and Sewer Commission of the Town of Nahant. Where pretreatment or equalization of wastewater flows is provided prior to discharge into the POTW or local sewer system, the plans, specifications, operating procedures and other pertinent data or information relating to such pretreatment or flow control facilities shall likewise be submitted to the Lynn Water and Sewer Commission. Approval of the application shall not exempt the user from compliance with any applicable code, ordinance, rule, regulation or order of any government authority. Any subsequent alterations or additions to pretreatment or flow-control facilities or method of operation which could affect the discharge shall not be made without due notice to and prior approval by the Lynn Water and Sewer Commission. In support of the industrial wastewater discharge permit applications, the applicant shall submit:

- (1) All information required by the permit application issued by the Lynn Water and Sewer Commission
- (2) All information required to complete a questionnaire or other form determined to be appropriate by the Lynn Water and Sewer Commission
- (3) All information necessary and appropriate to determine compliance with national categorical pretreatment standards and pretreatment requirements, including information necessary to determine classification under such standards
- (4) Current sampling and analysis data and design data descriptive of each of the industrial wastes to be discharged, and
- (5) All other information necessary to the determination of compliance with these by-laws and the Commission's rules and regulations. Existing industrial users shall also submit a statement and supporting data regarding whether or not the requirements of these by-laws and of the pertinent national categorical pretreatment standards and pretreatment requirements are being met, and if not, how they will be met by process modification, additional operation and maintenance (O&M) or addition pretreatment. If process modification, additional pretreatment or additional O&M will be required to meet the applicable standards, the user will provide them. The completion date in this schedule shall not be later than the compliance date established for any

applicable national categorical pretreatment standards or pretreatment requirements. In the event that such compliance date has already passed, the schedule's completion date shall reflect the most expedient schedule reasonably possible. The following conditions shall apply to the compliance schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of facilities required for the user to meet the applicable standards (e.g., starting planning and design, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.);
- b. No increment referred to in paragraph (a) above shall exceed two hundred seventy (270) days; and
- c. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Lynn Water and Sewer Commission including, as a minimum, a statement as to whether the user is in compliance with the increment of progress to be met on such date, and, if not in compliance, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return to the schedule established. In no event, shall more than two hundred seventy (270) days elapse between such progress reports to the Lynn Water and Sewer Commission.

The compliance schedule shall be included as an enforceable term of the user's industrial waste discharge permit, except where the compliance date established for the applicable standard has passed, in which case, the compliance schedule shall be imposed in the enforcement action deemed appropriate by the Lynn Water and Sewer Commission. Any other information as may be deemed by the Lynn Water and Sewer Commission to be necessary to evaluate a permit application shall be submitted as part of the application.

### SECTION 9.3 Industrial wastewater discharge permit conditions

Industrial wastewater discharge permit shall be subject to all provisions of the Lynn Water and Sewer Commission's rules and regulations and all other applicable regulations established by the Lynn Water and Sewer Commission. Permits shall contain the following:

- (a) Limits on the average and peak wastewater constituents and characteristics, including mass limitations where appropriate
- (b) Limits on average peak flow rates and times of discharge and/or requirements for flow regulations and equalization, if deemed necessary by the Commission
- (c) Requirements for installation, maintenance and operation of inspection, metering and sampling facilities

- (d) Specifications for user self-monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting contents and schedules
- (e) Compliance schedules as may be required in accordance with Section 9.2 of these by-laws and the Commission's rules and regulations
- (f) Requirements for submission of technical reports and/or discharge reports
- (g) Requirements for maintaining and retaining records relating to wastewater discharge as specified by the Lynn Water and Sewer Commission, the DEQE or the EPA, and affording access thereto
- (h) Requirements for notifying the Lynn Water and Sewer Commission of any new introduction of wastewater constituents of any change in the volume or character of the wastewater constituents being introduced into the POTW or local sewer system
- (i) Fees as designated by the Commission's industrial wastewater discharge permit fee schedule
- (j) A condition that the permittee will defend, indemnify and hold harmless, the Lynn Water and Sewer Commission from all claims, suits, costs and damages arising from any discharge by the permittee in violation of the limits, terms and conditions of their permit; and
- (k) Other conditions as deemed appropriate by the Lynn Water and Sewer Commission to ensure compliance with these by-laws and the rules and regulations of the Lynn Water and Sewer Commission.

For all industrial wastewater discharge permit applications for new discharges or for increases in existing discharges, the approval for discharge of pollutants shall be limited to that maximum daily amount which utilizes no more than twenty (2) per cent of the remaining capacity for that pollutant at the receiving POTW treatment plant. The remaining capacity shall be the difference between the existing lower influent pollutant concentration and the influent limitation. The permit approval may provide for more than the aforesaid twenty (20) per cent when the industrial user demonstrates to the satisfaction of the Commission that such additional discharge is appropriate, based upon technological considerations, economics, industry practice and such other matters as the Commission deems pertinent. In no case shall approval be granted which would cause the influent concentration to exceed the influent limitation.

#### SECTION 9.4 Permit duration

Industrial wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years. The industrial user shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

### SECTION 9.5 Permit modifications

Industrial wastewater discharge permits may be modified as follows:

- (a) Necessitated by promulgation of national categorical pretreatment standards: within nine (9) months of the promulgation of a national categorical pretreatment standard, the industrial wastewater discharge permit of users who are subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. A user with an existing industrial wastewater discharge permit shall submit to the Executive Director within one hundred eighty (180) days after the effective date of an applicable national categorical pretreatment standard, the baseline report required by Article IX, Section 9.89(a) of these rules and regulations and 40 C.F.R. S 403.12.
- (b) Necessitated by change in wastewater discharges: any user who proposes to introduce a change in the nature, characteristics and/ or constituents of its wastewater, or who proposed to increase the daily volume, strength, or rate of its permitted discharge by ten per cent (10%) or more shall, no less than thirty (30) days prior to said proposed change or increase, apply on a form prescribed by the Lynn Water and Sewer Commission, for a modification to its industrial wastewater discharge permit. After evaluation and acceptance of the date furnished, the Lynn Water and Sewer Commission may modify the user's industrial wastewater discharge permit, subject to the terms and conditions provided herein.
- (c) Necessitated by change in applicable limitations or requirements: The terms and conditions of an industrial wastewater discharge permit issued hereunder may be subject to modifications by the Lynn Water and Sewer Commission during the duration of the permit as the limitations or requirements identified in Article VI of these by-laws are modified, or as other just cause warrants, as determined by the Lynn Water and Sewer Commission. The user shall be notified of any proposed modifications to its industrial wastewater discharge permit at least ninety- (90)-days prior to the proposed effective date of such modification. Any modifications to or new conditions in the industrial wastewater discharge permit shall include a reasonable time schedule for compliance therewith, but no compliance deadline therein shall be later than the deadline for compliance with an applicable national categorical pretreatment standard

### SECTION 9.6 Permit Transfer

Industrial wastewater discharge permits will be issued for a specific operation. A permit shall not be re-assigned or transferred, sold to a new owner, new user, different premises or a new or changed operation without prior written approval of the Lynn Water and Sewer

Commission. If, upon application, the LW&SC decides that the existing permit can be transferred, with no modifications, the succeeding owner or user shall comply with the terms and conditions of the existing permit for the balance of the permit's duration.

#### SECTION 9.7 Industrial wastewater discharge permit fee

The Commission may establish and amend industrial wastewater discharge permit fee schedules, as necessary, to insure adequate funding of the industrial pretreatment program. All applications for industrial wastewater discharge permits are to include the appropriate application fee as designated in the schedule for application fees. Each permittee possessing an industrial wastewater discharge permit shall pay the annual fee prior to the issuance of the permit and then annually prior to the anniversary date of the permit issuance, until said permit expires. Failure to submit the annual fee within thirty (30) days after the anniversary date shall be considered a violation of these rules and regulations, and shall be sufficient cause for revocation of the industrial wastewater discharge permit, without hearing and for imposition of other procedures and penalties for non-compliance consistent with these rules and regulations.

#### SECTION 9.8 Reporting requirements

- (a) Baseline report: Within one hundred eighty (180) days following the effective date of a national categorical pretreatment standard, a user subject to said standard shall submit to the Lynn Water and Sewer Commission a report as prescribed under 40 C.F.R. and S403.12 (b) and (c). This report shall be signed by an authorized representative of the industrial user, and certified by a qualified professional engineer.
  
- (b) Compliance deadline report: Within ninety (90) days following the date for final compliance with any applicable national categorical pretreatment standards or applicable pretreatment requirements or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to national categorical pretreatment standards or pretreatment requirements shall submit to the Lynn Water and Sewer Commission a report indicating the nature and concentration of all pollutants in the discharge which are limited by national categorical pretreatment standards or pretreatment requirements, and the average and maximum daily flow of the wastewater containing such pollutants. The report shall state whether the applicable national categorical pretreatment standards or pretreatment requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable national categorical pretreatment standards or pretreatment requirements. This report shall be signed by an authorized representative of the industrial user, and be certified by a qualified professional engineer. The Lynn Water and Sewer Commission may require such follow-up as it deems necessary to monitor the actions by the user to come into compliance with the applicable national categorical pretreatment standards or pretreatment requirements.

- (c) Periodic compliance reports: To assure continued compliance with these rules and regulations, periodic compliance reports shall be submitted to the Lynn Water and Sewer Commission. Any user subject to a national categorical pretreatment standard or pretreatment requirements, after the compliance date of such standard, or, in the case of a new source, after commencement of the discharge to the POTW, shall submit to the Lynn Water and Sewer Commission on a semi-annual basis, unless required more frequently in the applicable national categorical pretreatment standard or pretreatment requirement, or by the Lynn Water and Sewer Commission, a report indicating the nature, concentration, and mass, where applicable, of pollutants in the effluent which are limited by such pretreatment standards and pretreatment requirements. In addition, this report shall include a record of measured average and maximum daily flows. Further, this report shall include a record of all flows, pollutant concentrations and mass which, during the reporting period, exceeded the flows and concentrations, mass or other conditions permitted. At the discretion of the Lynn Water and Sewer Commission, and in consideration of such factors as seasonal operations, holidays, budget cycles, etc., the Lynn Water and Sewer Commission may elect or agree to alter the months during which the above reports to be submitted by each user.

#### SECTION 9.9 Monitoring and analysis:

The reports required in Article IX, Section 9.2, 9.3 and 9.8, supra, and such other reports as are or may be required by the Lynn Water and Sewer Commission under its rules and regulations, or these by-laws, shall contain the results of suitable sampling, tests and analyses of the user's discharge, including the flow and the nature and concentration of pollutants therein which are limited by applicable pretreatment standards and pretreatment requirements. All such sampling shall be conducted at the designated, approved sampling sites. All analyses shall be performed in accordance with procedures established by the EPA, pursuant to Section 304(g) of the ACT and contained in 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA and required by the user's industrial wastewater discharge permit. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants 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 using validated analytical methods or any other sampling and analytical procedures, including procedures required by the Lynn Water and Sewer Commission or other parties, as approved by the EPA. A user subject to the reporting requirements set forth in Article IX, Section 9.8, supra, shall maintain records of all information resulting from any monitoring activities required thereunder. Such records shall include, for all samples:

- (a) The date, exact place, method of sampling and the name(s) of the person(s) taking the samples
- (b) The dates analyses were performed
- (c) Who performed the analyses

(d) The analytical techniques/methods used, and

(e) The results of such analyses

The user shall keep copies of all such records and reports of monitoring activities and results for a minimum of three (3) years, and shall make such records available for inspection and copying by the EPA, DEQE and the Lynn Water and Sewer Commission. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the user or the operation of the Lynn Water and Sewer Commission pretreatment program, or when requested by DEQE or EPA. All necessary sampling and inspections, whether announced or otherwise, shall be conducted at reasonable times during the time of wastewater flow.

#### SECTION 9.10 Monitoring facilities

The industrial user shall provide, maintain and operate at the user's own expense, monitoring facilities and sampling devices to allow inspection, sampling and flow measurement of the sewer connection. The monitoring facility should normally be situated on the user's premises, but, when such a location would be impractical or cause undue hardship on the owner, the Lynn Water and Sewer Commission may allow a suitable control manhole, together with such necessary meters, and other appurtenances in the building sewer to be constructed in the public street or sidewalk area, in strict accordance with all local requirements and subject to receipt of local approvals. This shall be located so that it will not be obstructed by landscaping or parked vehicles, and will be safe and accessible at all times to the Commission. If continuous access to the facilities is not available to the Commission, a control manhole in which there is such access shall be provided by the industry in addition to the monitoring station. The monitoring facilities shall be suitable for inspection, observation, sampling, testing and measurement of plant discharges. There shall be adequate space and equipment for continuous flow rate measurement and recording and for taking flow proportioned composite samples, with refrigeration of samples. The facility sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Lynn Water and Sewer Commission's requirements and all applicable local construction standards and specifications. Plans and specifications for such facilities shall be submitted to the Lynn Water and Sewer Commission at least thirty (30) days before construction and shall not be constructed without prior Lynn Water and Sewer Commission approval. Such construction shall be completed within ninety (90) days of the Lynn Water and Sewer Commission's written approval to commence construction, unless otherwise approved by the Lynn Water and Sewer Commission.

#### SECTION 9.11 Inspection and sampling

Representatives of the Lynn Water and Sewer Commission or the Town of Nahant may inspect the facilities of any user to ascertain whether all requirements of these by-laws and the Commission's' rules and regulations are being complied with. Persons or occupants of the premises where wastewater is created and/or discharged shall allow the representatives ready

access to all parts of the premises for the purposes of inspection, sampling, records examination and/or copying in the performance of any of their duties. All inspections shall be conducted in accordance with these by-laws and the Commission's rules and regulations. The Lynn Water and Sewer Commission, Town of Nahant, DEQE and the EPA 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 meter operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards, so that upon presentation of suitable identification, personnel from the Lynn Water and Sewer Commission and Town of Nahant, the DEQE and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities, and the user shall advise such personnel of the arrangements and procedures. While performing the necessary work on private premises, representatives of the Commission shall observe all safety rules established by the company applicable to the premises, and the company shall be held harmless for injury or death to the Commission employees, and the Commission shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company 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 these by-laws or the Commission's rules and regulations.

#### SECTION 9.12 Entry on easements acquired by the Town of Nahant

The members of the Board, Board of Health, the Superintendent, the Commissioner and other authorized agents of the Town of Nahant, or the Lynn Water and Sewer Commission, bearing proper credentials and identification, shall be permitted to enter upon all private properties through which the Town or the Lynn Water and Sewer Commission hold an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance and testing of any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.

#### SECTION 9.13 Confidential information

In accordance with 40 C.F.R. S403.14 and C.M.R. S2.11, any information and data concerning a user which is contained in or obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public and governmental agencies without restrictions, unless the user specifically claims, and is able to demonstrate to the satisfaction of the Lynn Water and Sewer Commission, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such claim of confidentiality must be asserted at the time of submission in the manner prescribed on the application form or instructions or by stamping or writing the words, "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information. If no claim is made, the Lynn Water and Sewer Commission may make the information available to the public without further notice. Notwithstanding any claim of confidentiality, any information and data provided to the Lynn Water and Sewer Commission, which is effluent data, as defined in 40 C.F.R. S2.302 (including, but not limited to, wastewater constituents and characteristics), shall be available to the public without restriction. All other

information and data shall be available to the public at least to the extent provided by 40 C.F.R. S2.302. Information accepted by the Lynn Water and Sewer Commission as confidential shall not be made available for inspection by the public, except as provided by 40 C.F.R S2.302, but shall be made available upon written request to the governmental agencies for uses related to these by-laws, the Commission's national pollutant discharge elimination system (NPDES) permit, or DEQE permit and the industrial pretreatment program; provided, however, that such portions of a report shall be available for use by the state or any state agency, by the Lynn Water and Sewer Commission, or by the United States or EPA in criminal or civil judicial or administrative enforcement proceedings involving the user. Information accepted by the Lynn Water and Sewer Commission as confidential shall not be transmitted to any governmental agency prior to the expiration of ten (10) calendar days following the date on which notification of said proposed transmittal is sent to the user.

#### SECTION 9.14 Information availability

Non-confidential information will be made available for inspection by the public at the Commission's office or offices of the Town of Nahant during normal business hours. Requests for such review are to be made in writing and appointments will be required. There will be a charge for copies at the rate determined by the Commission or the Town of Nahant.

### ARTICLE X

#### ENFORCEMENT PROCEDURES

#### SECTION 10.1 Notification of violation

Upon the Lynn Water and Sewer Commission or Town of Nahant finding that a person has violated, is violating or may violate these by-laws or the rules and regulations of the Lynn Water and Sewer Commission, or any limitation of requirement contained herein:

- (a) If the Town of Nahant learns of such violation, the Town shall immediately notify the Lynn Water and Sewer Commission.
- (b) Once the Lynn Water and Sewer Commission learns of the violation itself, it will issue a written notice to such violator stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. If, with good cause, the user can not achieve compliance within thirty (30) days, then the user shall submit a response to the Lynn Water and Sewer Commission as to why it cannot comply, and, if necessary, shall submit, within said thirty (30) days to the Commission, an application for issuance or revision of an industrial wastewater discharge permit, as required under the rules and regulations of the Lynn Water and Sewer Commission. In addition, the Commission may (with informal oral or written notice), suspend sewer service, when necessary in the opinion of the Lynn

Water and Sewer Commission, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons; or the Commission may suspend sewer service (after notice to the affected industrial user and the opportunity to respond) when deemed necessary by the Commission, in order to stop an actual or threatened discharge, which presents or may present an endangerment to the environment or causes or may cause interference or pass-through.

#### SECTION 10.2 Show cause hearing

If the violation is not corrected by timely compliance, the Lynn Water and Sewer Commission will issue a notice of violation and order any person who causes or allows a non-complying discharge to show cause before the Lynn Water and Sewer Commission why service should not be terminated. The notice will be served on the offending party, specifying the time and place of a hearing to be held by the Lynn Water and Sewer Commission regarding the violation, and directing the offending party to show cause before the Lynn Water and Sewer Commission why an order should not be made directing the termination of service. The notice of the hearing will be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Services may be made on any registered agent of a corporation. At any order to show cause hearing, testimony taken before the Lynn Water and Sewer Commission will be recorded stenographically. The transcript, or any part thereof, so recorded, will be made available to any member of the public upon payment of the cost of preparing same. The Lynn Water and Sewer Commission, however, may, pursuant to law, order certain portions of the hearing held in private session will not be made available to members of the public, except as provided by law.

#### SECTION 10.3 Discontinuation of sewer service

After the Lynn Water and Sewer Commission has reviewed the evidence collected in a hearing, as described in Section 10.2 above, the Lynn Water and Sewer Commission may issue an order to the person responsible for the violation directly that, following a specified time period, the sewer service be discontinued, unless the responsible person initiates actions which are deemed by the Lynn Water and Sewer Commission to be sufficient and appropriate to correct the violation. Any person so notified of a suspension of sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply with the suspension order, or when necessary as described in Section 10(b) above, the Lynn Water and Sewer Commission shall take such steps as deemed necessary, including immediate severance of the sewer connection. The Commission shall re-instate service only upon proof of the elimination of the non-complying discharge.

#### SECTION 10.4 Legal action and penalties

Any person who is found to have violated, or who willfully or negligently failed to comply with any provision of these by-laws, or the Lynn Water and Sewer Commission's rules and regulations, or the order and permits issued hereunder, or any federal, state or categorical pretreatment standards or pretreatment requirements, may be subject to civil and/or criminal

action by the Lynn Water and Sewer Commission in accordance with state and/or federal statutes. Each day on which a violation shall occur or continue to occur shall be deemed a separate and distinct violation. Violators of these by-laws and applicable pretreatment standards, pretreatment requirements, industrial wastewater discharge permits, or pretreatment enforcement orders of the Commission, may be subject to an injunction against such violation and/or a penalty in the maximum amount permitted under state laws for each offense, to be collected by procedures established by law.

#### SECTION 10.5 Public notification of permit violations

The Lynn Water and Sewer Commission shall annually publish in the newspaper a list of the users which were significant violators [as defined by 40 C.F.R S403.8 (f) (2) (VII) of any pretreatment requirements or national categorical pretreatment standards during the twelve (12) previous months. The notification shall also summarize any actions taken against the user(s) during the same twelve (12) months. All records relating to compliance with applicable standards shall be made available to officials of the EPA and DEQE, upon request for inspection and copying.

#### SECTION 10.6 Protection from damage

Any person found to have maliciously, willfully or negligently broken, damaged, destroyed, uncovered, defaced or tampered with any structure, appurtenance or equipment which is a part of the POTW or local sewer system, shall be subject to immediate arrest under applicable law.

### ARTICLE XI

#### VALIDITY

#### SECTION 11.1 Conflicting by-laws repealed

All by-laws or parts of by-laws in conflict herewith are hereby repealed.

#### SECTION 11.2 Validity stated

The invalidity or any section, clause, sentence or provision of this by-law shall not affect the validity of any other part of this by-law which can be given effect without such invalid part or parts.

#### SECTION 11.3 Lynn Water and Sewer Commission ordinances

In addition to these by-laws, all persons shall comply with the sewer use rules and regulations of the Lynn Water and Sewer Commission.

**ARTICLE XII**

**BY-LAW IN FORCE**

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

Passed and adopted by the Special Town Meeting of the Town of Nahant on the twenty-second (22<sup>nd</sup>) day of June, 1987, by a unanimous vote in favor.

Approved by the Attorney General of Massachusetts on June 30, 1987.

Witness my hand and the seal of the Town of Nahant.

s/ Harriet C. Steeves  
Town Clerk

A true copy, attest:

s/ Harriet C. Steeves  
Town Clerk

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of the sewer use by-laws of the Town of Nahant, and all other pertinent by-laws or regulations that may be adopted in the future.
2. To pay all the cost of said particular sewer and its connection with the public sewer in said street, including all labor and materials or any other expense necessary for the proper construction of said sewer as determined by the Superintendent.
3. To maintain the building sewer at no expense to the Town.
4. For himself, his heirs, devisees and assigns, that the Superintendent shall have access at all reasonable hours, to the said premises to see that all laws, ordinances, rules and regulations relating to the sewer are complied with.
5. To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.
6. That construction of the sewer connection will be completed within sixty (60) days of issuance of this permit.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(applicant)

\_\_\_\_\_  
(address of applicant)

\$ \_\_\_\_\_ Inspection fee paid

Application approved and permit granted in accordance with the attached conditions

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(Board of Health)

\_\_\_\_\_  
sewer installed

\_\_\_\_\_  
plumbing permit issued

\_\_\_\_\_  
plumbing accepted  
system operating

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(name)

No. \_\_\_\_\_

**TOWN OF NAHANT**

**RESIDENTIAL OR COMMERCIAL  
BUILDING SEWER APPLICATION**

To the Town of Nahant, Massachusetts:

The undersigned, being \_\_\_\_\_ of the property  
(owner, owner's agent)

Located at \_\_\_\_\_, does hereby request  
(number) (street)

a permit to install and connect a building sewer to serve the

\_\_\_\_\_ at said location.  
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>Number</u>	<u>Fixture</u>	<u>Number</u>	<u>Fixture</u>
_____	kitchen sinks	_____	water closets
_____	lavatories	_____	bath tubs
_____	laundry tubs	_____	showers
_____	urinals	_____	garbage grinders

Specifying other fixtures \_\_\_\_\_

2. The number of persons who will use the above fixture(s) is \_\_\_\_\_.

3. The name and address of the drain layer who will perform the proposed work is:

\_\_\_\_\_.

- 4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

No. \_\_\_\_\_

INDUSTRIAL USER SEWER CONNECTION APPLICATION

To the \_\_\_\_\_, Massachusetts:

The undersigned being the \_\_\_\_\_ of the property

Located at \_\_\_\_\_, does hereby

request a permit to \_\_\_\_\_ an industrial sewer connection  
(install, use)

serving \_\_\_\_\_, which company is engaged in

\_\_\_\_\_ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit are attached hereunto as Exhibit "B".
3. A complete schedule of all processes waters and industrial wastes produced or expected to be produced at said property, including a detailed description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses, is attached hereunto as Exhibit "C".
4. The estimated number of full-time employees at the premises is \_\_\_\_\_  
The estimated number of part-time employees at the premises is \_\_\_\_\_
5. The name and address of the drain layer who will perform the work covered by this permit is \_\_\_\_\_.
6. The standard industrial classification number (SIC) for the business is \_\_\_\_\_.

In consideration of the granting of this permit, the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the public sewer for which this permit is sought, as may be requested by the Board, the Superintendent and the Commissioner.
2. To accept and abide by all provisions of the sewer use by-laws of the Town of Nahant, Massachusetts, all other pertinent by-laws or regulations that may be adopted in the future and the rules and regulations of the Lynn Water and Sewer Commission.
3. To operate and maintain pretreatment facilities, if required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times, and at no expense to the Town.
4. To co-operate at all times with the Board, the Superintendent, the Commissioner and their representatives in their inspecting, sampling and study of the industrial wastes and any facilities provided doe pretreatment.
5. To notify the Board and the Superintendent immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewer of any wastes or process waters not covered by this permit.
6. To commence construction within sixty (60) days of the date this permit is issued.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(applicant)

\_\_\_\_\_  
(address of applicant)

\$ \_\_\_\_\_ inspection fee paid

Application approved and permit granted in accordance with the attached conditions.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(Board of Health)

## ARTICLE XV

### Cross Connection Control Ordinance

#### Town of Nahant Cross-Connection Control Program

##### I. Purpose

- A. To protect the public potable water supply served by the Town of Nahant Water Division of the Department of Public Works (Water Division) from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or back-siphon into the public water system.
- B. To promote the elimination or control of existing cross connections, actual or potential, between its customers in-plant potable water system, and non-potable systems.
- C. To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.

##### II. Authority

- A. As provided for in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.
- B. Water Division, policies and procedures.

##### III. Responsibility

The Water Division through its Water Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the Water Division determines that an approved backflow prevention device is required at the town's water service connection or as in-plant protection on any customer's premises, the Water Division, or its delegated agent, shall issue a cross connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the Water Division, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

##### IV. Definitions

- A. Approved - Accepted by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.
- B. Approved Backflow Prevention Device or Device - A testable or non-testable cross connection control device that is approved by the MassDEP for use in Massachusetts.

C. Auxiliary Water Supply - Any water supply, on or available, to the premises other than the purveyor's approved public potable water supply.

D. Backflow - The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

E. Backflow Preventer - A device or means designed to prevent backflow or backsiphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

E.1. Air Gap - The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. The air gap separation shall be at least twice the internal diameter of the supply pipe discharge line but in no case less than one inch.

E.2. Atmospheric Vacuum Breaker - A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in a water system.

E.3. Barometric Loop - A fabricated piping arrangement rising at least thirty five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage.

E.4. Double Check Valve Assembly - An assembly of two (2) independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

E.5. Double Check Valve with Intermediate Atmospheric Vent - A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.

E.6. Hose Bibb Vacuum Breaker - A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

E.7. Pressure Vacuum Breaker - A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

E.8. Reduced Pressure Principle Backflow Preventer - An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

E.9. Residential Dual Check - An assembly of two (2) spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

- F. Backpressure - A condition in which the owners system pressure is greater than the supplier's system pressure.
- E. Backsiphonage - The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.
- F. Containment - A method of backflow prevention which requires a reduced pressure backflow preventer or an air gap separation at the meter or property line
- G. Contaminant - A substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.
- H. Cross-Connection - Any actual or potential connection between the public water supply and a source of contamination or pollution.
- I. Cross Connection Violation Form - A violation form designated by MassDEP, which is sent to the owner by the water supplier with copies sent to the, plumbing inspectors and Board of Health delineating cross connection violations found on the owner's premises and a procedure for corrective action.
- J. Department - The Massachusetts Department of Environmental Protection (MassDEP).
- K. Design Data Sheet - A report form submitted to the supplier of water along with plans for each installation of a reduced pressure backflow preventer or double check valve assembly, or for each change to any such device already installed, describing and showing the details of the specific installation.
- L. Health Hazard - An actual or potential threat of contamination to the potable water in a public water system, which, in the opinion of the supplier of water would endanger health.
- M. In-Plant Protection - The location of approved backflow prevention devices in a manner, which provides protection of the consumers of water and the potable water system within the premises.
- N. Inspection - An on-site inspection and survey by a qualified individual to determine the existence and location of cross connections and/or the physical examination and testing of an installed backflow prevention device to verify that the backflow prevention device is functioning properly.
- O. Inspection and Maintenance Report Form - A report form which is to be used by certified testers to record all pertinent testing information
- P. Owner - Any person maintaining a cross connection installation or owning or occupying premises on which cross connections can or do exist.
- Q. Owner's Agent - Any person or body designated by the owner to act as his or her representative.
- R. Person - Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the United States, except that nothing herein shall be constructed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian lands.
- S. Pollutant - A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of

the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably effect such water for domestic use.

T. Potable Water - Water from any source that has been approved by MassDEP for human consumption.

U. Reviewing Authority - The supplier of water, or the local plumbing inspector, authorized by M.G.L. c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

V. Supplier of Public Water - Any person who owns or operates a public water supply system.

W. Unapproved Source - The source or distribution system for any water or other liquid or substance which has not been approved by the MassDEP as being of safe and sanitary quality for human consumption, including but not limited to any waste pipe, soil pipe, sewer, drain, or non-acceptable potable water system material.

X. Water Division - The Town of Nahant Water Division of the Department of Public Works working through its Water Superintendent or owner or operator of a public water supply system invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the Ordinance.

## **V. Administration**

A. The Water Division will operate an active cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of MassDEP's Cross Connection Regulations and is approved by MassDEP.

B. The Owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Water Division's program and MassDEP's Regulations.

## **VI. Requirements**

### **A. Water Division**

1. On new installations, the Water Division will provide onsite evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, will issue permit, and perform inspection and testing.

2. For premises existing prior to the start of this program, the Water Division will perform surveys of the premises and review of as-built plans and issue a cross connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.

3. The Water Division will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

4. The Water Division shall inform the Owner by letter, of any failure to comply, by the time of the first re-inspection. The Water Division will allow an additional fifteen (15) days for the

correction. In the event the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Water Division will inform the Owner by letter, that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Water Division of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Water Division but in no case will exceed an additional thirty (30) days.

5. If the Water Division determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

6. The Water Division will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by MassDEP, during the calendar year (2010). Initial focus will be on high hazard premises.

### **B. Owner**

1. The Owner shall be responsible for the elimination or protection of all cross-connections on his premises.

2. The Owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and installation of backflow prevention devices.

3. The Owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.

4. The Owner shall inform the Water Division of any proposed or modified cross connections and also any existing cross connections of which the Owner is aware but has not been found by the Water Division.

5. The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

6. The Owner shall install backflow preventers in a manner approved by the Water Division.

7. The Owner shall install only backflow preventers approved by MassDEP.

8. Any Owner of industrial, commercial, or institutional premises having a private well or other private water source must have a permit if the well or source is cross connected to the Water Division's system. Permission to cross connect may be denied by the Water Division. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross connected to the Water Division's system.

9. The owner of a private well or individual water source serving residential dwellings used for potable or non-potable purposes will not be allowed a physical connection with the public water supply system.

10. The Owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, retesting in the case that the device fails to operate correctly, and second re-inspections for non-compliance with MassDEP or Water Division requirements.

### **VII. Degree of Hazard**

The Water Division recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of

approved reduced pressure principle backflow prevention devices or double check valves. The Water Division may require a containment device on the water service entrance to any customer who, as a result of unprotected cross connections, could contaminate the public water supply system.

### **VIII. Existing In-Use Backflow Prevention Devices**

Any existing backflow preventer shall be allowed by the Water Division to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

### **IX. Periodic Testing**

- A. Reduced pressure principle backflow devices shall be tested and inspected at least semi-annually.
- B. Backflow device testing and inspection shall be performed by a MassDEP certified backflow tester.
- C. The testing shall be conducted during the Water Division's regular business hours. Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the Water Division.
- D. Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the Owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the Owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.
- E. Backflow prevention devices will be tested more frequently than specified above in "A" in cases where there is a history of test failures and the Water Division feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the Owner.

### **X. Records and Reports**

#### **Records**

The Water Division will initiate and maintain the following:

- Master files on customer cross-connection tests and/or inspections.
- Master files on approved cross-connection installations.
- Master files on facilities surveyed and violations found.
- Master files on correspondences, violation notices and enforcement actions.

## **Reports**

The Water Division will submit reports, such as: listing of cross connection and respective devices, summary of cross connection inspections and surveys, to the MassDEP upon request.

## **XI. Fees and Charges**

The Water Division will publish a list of fees or charges for the following services:

1. Testing fees
2. Re-testing fees
3. Fee for re-inspection
4. Charges for after-hours inspections or tests.

## **Addendum**

### **1. Residential dual check**

Effective the date of the acceptance of this Cross-Connection Control Program for the Town of Nahant all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Water Division.

The Owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his/her residence. As such, provisions may have to be made by the owner to provide for thermal expansion within his/her closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

### **2. Strainers**

The Water Division strongly recommends that all new retrofit installations of reduced pressure principle devices and double check valve backflow preventers include the installation of strainers located immediately upstream of the backflow device.

ARTICLE XV

CROSS CONNECTION CONTROL ORDINANCE

TOWN OF NAHANT CROSS-CONNECTION CONTROL PROGRAM

This by-law shall be in full force and effect from and after its passage, approval, recording and publications, as provided by law.

Passed and adopted by Town Meeting of the Town of Nahant on the twenty-fourth (24<sup>th</sup>) day of April, 2010, by a unanimous vote in favor.

Approved by the Attorney General of Massachusetts on January 20,2011.

Witness my hand and the seal of the Town of Nahant.

Margaret R. Barile  
Town Clerk

A true copy, attest:

Margaret R. Barile  
Town Clerk