

SOUTHWEST HARBOR SEWER ORDINANCE

REGULATION OF SEWER USE

FOR THE TOWN OF SOUTHWEST HARBOR

**Approved August 22nd, 1990
Amended through May 3rd, 2011**

Beatrice D. Grinnell, Town Clerk

INDEX

		<u>Page No.</u>
SECTION 1	General Provisions	3
SECTION 2	Abbreviations and Definitions	3
SECTION 3	Use of Public Sewers Required	13
SECTION 4	Unlawful Disposal	13
SECTION 5	Private Wastewater Disposal	13
SECTION 6	Building Sewers and Connections To Public Sewers	14
SECTION 7	Sewer Extensions	17
SECTION 8	Guidelines for Materials and Construction of Sewer Mains	21
SECTION 9	Use of Public Sewers	24
SECTION 10	Pretreatment of Wastewater	28
SECTION 11	Individual Wastewater Discharge Permits	29
SECTION 12	Reporting Requirements	30
SECTION 13	Protection from Damage	33
SECTION 14	Powers and Authority of Inspectors	33
SECTION 15	Penalties	33
SECTION 16	Sewer Service Charge	35
SECTION 17	License	37
SECTION 18	Payment of Outstanding Fees & Penalties	37
SECTION 19	Validity of Ordinance	37
SECTION 20	Ordinance in Force	37

SECTION 1 - GENERAL PROVISIONS

1.1 **Purpose and Policy** - This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Town of Southwest Harbor and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- a. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- b. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- c. To protect both the general public and Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment;
- d. To promote reuse and recycling of industrial wastewater and sludge;
- e. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- f. To enable the Town to comply with its Maine Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Residents of the service area of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 **Administration** - Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to, or duties imposed upon the Superintendent may be delegated by the Superintendent to a duly authorized employee.

SECTION 2 – ABBREVIATIONS & DEFINITIONS

2.1 **ABBREVIATIONS:** The following abbreviations, when used in this ordinance, shall have the designated meanings:

AASHTO shall mean American Association of State Highway and Transportation Officials.

ANSI shall mean American National Standards Institute.

APHA shall mean American Public Health Association.

ASTM shall mean American Society of Testing and Materials.

AWWA shall mean American Water Works Association.

BOD shall mean Biochemical Oxygen Demand
BMP shall mean Best Management Practice
BMR shall mean Baseline Monitoring Report
CFR shall mean Code of Federal Regulations
CIU shall mean Categorical Industrial User
COD shall mean Chemical Oxygen Demand
DEP shall mean the Maine Department of Environmental Protection
EPA shall mean U.S. Environmental Protection Agency
gpd shall mean gallons per day
IU shall mean Industrial User
LPI shall mean Local Plumbing Inspector
mg/l shall mean milligrams per liter
MEPDES shall mean Maine Pollutant Discharge Elimination System
NPDES shall mean National Pollutant Discharge Elimination System
NSCIU shall mean Non-Significant Categorical Industrial User
POTW shall mean Publicly Owned Treatment Works
RCRA shall mean Resource Conservation and Recovery Act
SIU shall mean Significant Industrial User
SNC shall mean Significant Noncompliance
TSS shall mean Total Suspended Solids
U.S.C. shall mean United States Code
WEF shall mean Water Environmental Federation

2.2 **DEFINITIONS:** Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance will be as follows:

Act or “the Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

Approval Authority shall mean the State of Maine

Authorized or Duly Authorized Representative of the User:

a. If the User is a corporation:

(1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- d. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

Biochemical Oxygen Demand or BOD shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Centigrade, expressed in parts per million by weight.

Best Management Practices or BMPs shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Building shall mean a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals or property of any kind.

Building Contractor shall mean any person, persons, partnership or corporation who undertakes to construct, either under contract or for resale, any habitable building.

Building Drain shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes within the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

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

Categorical Pretreatment Standard or Categorical Standard shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical Industrial User shall mean an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Contractor shall mean any person, firm or corporation approved by the Governing Body to do work in the Town.

Cooling Water The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

DOT Handbook is defined as the State of Maine, Department of Transportation, Standard Specifications, Highways and Bridges publication, most recent edition.

Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Debt Service shall mean the costs associated with repayment of a loan, to include both principal and interest.

Developer shall mean any person, persons, partnership or corporation who undertakes to construct, as the result of an approved plan, more than one housing unit on a given tract or land subdivision, or any commercial or industrial facility.

Dwelling Unit shall mean a room or group of rooms designed and equipped with cooking, sleeping and toilet facilities exclusively for use as living quarters for only one (1) family. The term includes manufactured housing and mobile homes, but not recreational vehicles or motel units. Each unit of a multi-family or condominium unit shall be considered a single dwelling unit. For purposes of this ordinance, cabins and cottages shall be considered as dwelling units.

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

Engineer shall mean the Professional Engineer retained by the Town. In the event the Town has not retained an Engineer, the term "Engineer" as used herein will be construed to mean the Board of Selectmen of the Town of Southwest Harbor.

Equivalent User shall be based on design flows and concentrations for a 3 bedroom house as specified in the Maine State Plumbing Code, Subsurface Wastewater Disposal Rules.

Existing Source shall mean any source of discharge that is not a "New Source."

Floatable Oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. Wastewater shall be considered free of floatable oil if it is properly pre-treated and the wastewater does not interfere with the collection system.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

Governing Body shall mean the duly elected Board of Selectmen of the Town of Southwest Harbor or their authorized deputy or representative.

Grab Sample shall mean a sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

House Connection shall mean the extension from the building drain to the public sewer, or other place of disposal, also called Building Sewer.

Indirect Discharge or Discharge shall mean the introduction of pollutants into the POTW from any non-domestic source.

Instantaneous Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town's MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with applicable regulations. Such regulations shall consist of, but not be limited to Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit shall mean specific discharge limits developed and enforced by the Town upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Manager shall mean the Town Manager of Southwest Harbor, or the individual designated by the Governing Body to perform this function, or the authorized deputy, agent, or representative of this individual.

Mass Limitations or Mass Based Standards shall mean a discharge limit that is measured in a mass unit such as pounds per day.

May is permissive.

Medical Waste shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Minimum Charge – is that portion of the individual user fee related to capital expenditures and retirement of debt service, without regard to the quantity of wastewater treated.

Monthly Average shall mean the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Monthly Average Limit shall mean the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Natural Outlet shall mean any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.

New Source shall mean:

- a. 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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- b. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (1) Begun, or caused to begin, as part of a continuous onsite construction program
 - (a) any placement, assembly, or installation of facilities or equipment; or
 - (b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-contact Cooling Water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Owner shall mean any individual, company, firm, association, society or group having title to real property.

Pass Through shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation.

Person shall mean any individual, company, firm, association, society or group.

pH. shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

Plumbing Inspector shall mean the individual duly appointed by the Board of Selectmen who is responsible to perform duties as outlined in Title 30, Section 3222 of the Maine Revised Statutes.

Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standard or Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 9.3 of this ordinance.

Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food or produce 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 ½ inch in any dimension.

Property Line shall mean the property boundary line if the building sewer is to connect with the public sewer in a public street. “Property Line” shall mean the edge of a sewer right-of-way in those instances where the building sewers connect to a public sewer in a sewer right-of-way.

Public Sewer shall mean a common sewer owned, operated, and maintained by public authority, or governmental agency.

Publicly Owned Treatment Works or POTW shall mean a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Ready to Serve Charge shall mean a charge levied on facilities within the service area as defined in Section 3.1 which are not connected to the public system and which have not been granted an exception by the Board of Selectmen.

Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SCH 40: SCH (schedule) 40 is the designation for polyvinyl chloride (PVC) pipe typically specified for use as gravity sewer lines inside a structure e.g. home, business, etc. and to a distance equal to 10 feet away from the outside face of the structure. It is typically installed to a maximum depth as recommended by the manufacturer. The SCH 40 designation defines the wall thickness of the pipe. Generally accepted specifications associated with SCH 40 pipe include, but are not necessarily limited to, the following: The pipe shall conform to ASTM D -2665 for PVC plastic drain, waste and vent pipe. PVC material used in the manufacturing of this pipe shall conform to ASTM D – 1784 specification for Type 1, Grade 1 material.

SDR 35: SDR (standard dimension ratio) 35 is the designation for polyvinyl chloride (PVC) pipe typically specified for use as gravity sewer lines installed to a maximum depth as recommended by the manufacturer. The SDR 35 notation defines the wall thickness of the pipe based on the relationship between the outside and the inside diameters of the pipe.

Septic Tank Waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service Area – See Section 3.1.

Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory.

Significant Industrial User (SIU) shall mean:

- a. An Industrial User subject to categorical Pretreatment Standards; or
- b. An Industrial User that:

- (1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
 - (2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- c. Upon a finding that a User meeting the criteria in Subsection b. of this part, has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Town may, at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Slug Load or Slug Discharge shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Subsection 9.3 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Standard Methods shall mean the latest edition of the publication, Standard Methods for the Examination of Water and Wastewater, published by APHA, AWWA and WEF.

State Plumbing Code shall mean the State of Maine Plumbing Code, as amended from time to time.

Storm Water shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

Storm Sewer or Storm Ditch shall mean a pipe, conduit or swale which carries storm and surface waters and drainage but excludes sewage and industrial wastes.

Suitable Material – In general, suitable materials for fill, backfill and embankment materials shall be composed of clean, fine earth, rock or sand, free from grass, roots, brush, or other vegetation. The following types of suitable materials are designated and defined as follows:

- a. Base Gravel: As described in section 703.06(a) Type A of the DOT Handbook.
- b. Sub-base Gravel: As described in Section 703.06(b) Type D of the DOT Handbook.
- c. Common Borrow: Common borrow shall consist of earth, suitable for embankment construction, free from frozen material, perishable rubbish, peat and other unsuitable material. The moisture content shall be sufficient to provide the required compaction and stable embankment. In no case shall the moisture content exceed 4 percent above or below optimum. The optimum moisture content shall be determined in accordance with ASTM D698.
- d. Crushed Stone: Crushed stone shall be durable crushed rock consisting of the angular fragments obtained by breaking and crushing solid or shattered natural rock and reasonably free from thin, flat, elongated, or other objectionable pieces. It shall be reasonably free from sand, clay, loam, chemical decay, or deleterious materials and not more than one percent of

materials passing a No. 200 sieve will be allowed to adhere to the crushed stone. The stone shall meet the following gradation requirements:

- (1) ¾-inch crushed stone: 100% passing the 1-inch sieve; 95-100% passing the ¾ -inch sieve; 35-70% passing the ½-inch sieve; 0 – 25% passing the 3/8-inch sieve.
 - (2) 1 ½-inch crushed stone: 100% passing the 2-inch sieve; 95-100% passing the 1 ½ -inch sieve; 35-70% passing the 1-inch sieve; 0 – 25% passing the ¾-inch sieve.
- e. Sand: Sand shall conform to the gradation requirements as described in Section 703.01 of the DOT Handbook.
- f. Where any of the above materials are to be used for bedding materials, it shall further meet the following additional criteria: bedding material shall be so graded that 100% will pass a 1-inch screen and not more than 10% will pass a 200-mesh sieve. In the event abnormally unstable or wet conditions are encountered, bedding material shall be crushed stone.

Superintendent shall mean the person designated by the Manager to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent.

Total Suspended Solids or Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

Town shall mean The Town of Southwest Harbor.

Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater facilities provided.

Unsuitable Materials – Unsuitable materials for fill and backfill materials shall include soils which, when classified under the standard method for “Classification of Soils for Engineering Purposes”, ASTM D2487, fall in the classification of Pt, OH, CH, MH, or OL. Also, any soil, which cannot be made to conform with its intended use, shall be classified as unsuitable.

User shall mean an owner or occupant of real estate which is connected to the Town’s sewer or drain system.

Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, businesses, buildings, institutions and industrial establishments, together with such ground, surface and storm waters, as may be present. Also termed “Sewage”.

Wastewater Treatment Plant or Treatment Plant shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Water Course shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 3 – USE OF PUBLIC SEWERS REQUIRED

- 3.1 **Sewer Connection Required** – The owner of any house, building or property used for human occupancy, employment, recreation or other purpose, 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 gravity sanitary sewer of the Town is hereby required, at the Owner's expense to install suitable toilet facilities therein, and to connect such facilities to the proper public sewer, in accordance with the provisions of this local law, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the structure to be served. Provided, however, that where excavation of the public highway is otherwise prohibited by State law or regulation, or where unusual hardship exists due to the presence of ledge, incompatible elevations, or other causes, the Governing Body may grant exceptions upon specific application of the owner or lessee of such properties, with such conditions as the said Governing Body may impose.
- 3.2 **Unusual Industrial Wastewaters** – No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal or State laws and/or regulations promulgated there under, and are compatible with any User Charge in effect.

SECTION 4 – UNLAWFUL DISPOSAL

- 4.1 **Unlawful Dumping** – It shall be unlawful for any person to place, deposit or permit to be placed or deposited in any unsanitary manner on public or private property within the Town of Southwest Harbor or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste, except for agricultural use.
- 4.2 **Unlawful Discharge** – It shall be unlawful to discharge upon the surface of the ground, or to any watercourse, either directly or through any storm sewer, within the Town or to any area under the jurisdiction of the Town, any sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with federal, state and local laws.
- 4.3 **Unlawful Sanitary Facilities** – Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit or other facility intended or used for the disposal of sewage.

SECTION 5 – PRIVATE WASTEWATER DISPOSAL

- 5.1 **On-Site System Required** – Where a public sanitary sewer is not available under the provisions of **Section 3.1**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article and the Maine State Plumbing Code, Subsurface Wastewater Disposal Rules.
- 5.2 **Notification to Town** – Construction of private sewage disposal systems shall comply in all respects with requirements of the Maine State Plumbing Code. In addition, a written notice shall be filed with the Town Plumbing Inspector, giving notice and details of said installation.
- 5.3 **On-Site System Standards** – The type, capacities, location and lay-out of a private sewage disposal system shall comply with the Maine State Plumbing Code, Subsurface Wastewater Disposal Rules and

the Minimum Lot Size Law (Maine Revised Statutes Annotated Title 12, Chapter 423-A). No private wastewater disposal system shall be permitted to discharge to any natural outlet.

- 5.4 **Holding Tanks** – The Selectmen are authorized and empowered to undertake, within the Town, control of the methods of disposal of holding tank wastewater and the collection and transportation thereof. All such rules and regulations adopted by the Selectmen shall be in conformity with the provisions herein, all other ordinances of the Town, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine.
- a. Holding tanks shall not be used for conversion from seasonal to full-time use or for new construction within the Shoreland Zone or the floodplain of a major watercourse.
 - b. The Selectmen have the right and power to fix, alter, change and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.
 - c. The collection and transport of all wastewater from any property utilizing a holding tank shall be done solely under the direction and control of a facility that holds an appropriate Maine State license and disposed at such site or sites as are approved by the Maine Department of Environmental Protection.
- 5.5 **Duties of Property Owners** – The owner of property that utilizes a holding tank shall:
- a. Maintain the holding tank in conformance with this or any other Ordinance of this Town, the provisions of any applicable law, the rules and regulations of the Town and any administrative agency of the State of Maine; and
 - b. Comply with all the provisions of the Maine State Subsurface Wastewater Disposal Rules.
- 5.6 **Alternative Disposal** – An alternative means of wastewater disposal shall meet first time system criteria. Replacement criteria shall not be considered.
- 5.7 **On-Site System Operation** – The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- 5.8 **Connection Required** – At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in SECTION 3.1, connection shall be made to the public sewer in compliance with this Ordinance within ninety (90) days and any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material or completely removed.
- 5.9 **Plumbing Inspector Authority** – No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Plumbing Inspector.

SECTION 6 – BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS

- 6.1 **Coordination with State Plumbing Code** – The provisions of this Article shall be deemed to supplement provisions of the State Plumbing Code with respect to building sewers and connections thereof to public sewers. In the event of conflicts between this Article and the State Plumbing Code, the more stringent shall apply. Permits and Fees stipulated hereunder are additional to any permits and/or fees, required under the State Plumbing Code.

6.2 **Building Sewer Permit Required** – No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written building sewer permit as provided in SECTION 6.3 approved by the Director of Public Works. The building sewer permit application form shall be available at the Town Office. Any person proposing a new or additional discharge into the system, or a change in the volume or character of pollutants that are being discharged into the system shall be required to obtain a permit from the Director of Public Works. All proposed changes, additions and connections shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter 1.

6.3 **Types of Permits and Fee Requirement** – There shall be two (2) classes of building sewer permits – (1) for residential service, and (2) for commercial, industrial and other non-residential service. 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 Superintendent.

For residential permits, a permit application fee and a service fee shall be paid to the Town Treasurer for each single residential sewer and for each additional dwelling unit at the time an application is filed, as indicated on the permit application form. In addition, the owner shall pay an inspection fee for each service connection made.

The Board of Selectmen shall fix a permit application, service, and inspection fees for each commercial, industrial, or other non-residential building, after recommendation of the Manager and Director of Public Works based on the size and nature of the operation proposed in such commercial, industrial or other non-residential building as compared to the demands of a residential structure.

Any proposed change or additional discharge shall be subject to supplementary fees based upon the predicted maximum gallon per day increase due to the additional volume being discharged into the system as illustrated in the State of Maine Wastewater Disposal Rules, “Design Flows for Facilities” tables.

6.4 **Individual Building Sewers Required** – A separate and independent building sewer shall be required for every building requiring a sewer connection except where one building stands at the rear of another or on an interior lot where no public sewer is available nor can such be constructed to the rear building through an adjoining alley, court yard or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where dwelling units are owned by different people, individual owners will be billed.

6.5 **Use of Existing Building Sewers** – Existing building sewers may be used only when they are determined by the Town to meet all requirements of this ordinance. When existing buildings which are connected to the public sewer are abandoned or destroyed, the building sewer shall be capped at the edge of the public way or easement containing public sewer, in the presence of a representative of the Town.

6.6 **Building Sewer Material** – The building sewer shall be service weight cast iron soil pipe and fittings; cast iron NO-HUB, bitumastic coated; PVC sewer pipe meeting the requirements of ASTM D 3034-08; or other material approved by the Town.

6.7 **Building Sewer Diameter** – The size and slope of the building sewer shall be subject to the approval of the Town, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-eighth (1/8) inch per foot.

- 6.8 **Building Sewer Testing** – Pneumatic testing of the building sewer installation may be required at the discretion of the Town’s LPI.
- 6.9 **Building Sewer Depth** – Whenever possible, the building sewer shall be brought to the building at an elevation sufficient to avoid the need for protection from frost, but in no event shall be less than three (3) feet deep. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be constructed only with approved pipe and fittings. The ends of building sewers, which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration with a suitable stopper, plug or other approved means.
- 6.10 **Private Lift Station Required** – In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage or industrial wastes carried by such drain shall be lifted by approved artificial means and discharged to the public sewer system at the expense of the owner.
- 6.11 **Building Sewer Excavation** – All excavations required for the installations of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with the appropriate ASTM specifications except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed pipe shall not exceed thirty-six (36) inches.
- 6.12 **Prohibited Connections to Building Sewer**
- a. No person shall make connection of roof down spouts, sump pumps, exterior foundation drains, areaway drains, cellar drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Town for purposes of disposal of polluted drainage water.
 - b. Where such connections already exist, the Owner must, after notification by the Town, and at the Owner’s expense, remove said connections and provide proof of such to the Town. The Board of Selectmen may establish and levy a storm water disposal fee as part of the sewer bill until proof of the removal of such a connection is provided.
- 6.13 **Building Sewer Joints** – All joints and connections shall be made gas and water tight. Joints for cast iron hub and spigot pipe shall be lead; joints for NO-HUB pipe shall be made with a neoprene gasket and a stainless steel clamp and shield assembly; joints for PVC pipe shall be “O-Ring” type. No mortar joints will be allowed.
- 6.14 **Building Sewer General Requirements** – The connection of the building sewer into the public sewer shall conform to the requirements of SECTION 7 of this ordinance and the procedures set forth in the appropriate ASTM standards. All such connections shall be made gas and water tight. The Town may require pneumatic testing at owner's expense if need is identified by the Town’s LPI. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.
- 6.15 **Building Sewer Inspection Notification** – The applicant for the building sewer permit shall notify the Director of Public Works when the building sewer is ready for inspection and connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Director of Public Works. The Director of Public Works shall be available to supervise and inspect the connection, during normal business hours, within forty-eight (48) hours of notification of readiness. Failure to notify the Director of Public Works will result in a fine as indicated in Section 15.

- 6.16 **Building Sewer Excavation Safety** – All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town or the Maine Department of Transportation.
- 6.17 **Manhole Required** – Any building sewer serving a school, hospital, or similar institution or public building, or serving a complex of commercial or industrial buildings, or which, in the opinion of the Superintendent, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to an existing manhole shall be as specified by the Superintendent.
- 6.18 **Building Sewer Costs and Indemnification** – All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. These costs include, but are not limited to, materials, excavation, permits, inspection and service fees. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

For the purpose of this section, the building sewer shall terminate at the main sewer line, regardless of the location of the main sewer line or who initially installed all or part of the building sewer. In cases where more than one owner is on the same building sewer line, it shall be the responsibility of the owners to coordinate any and all maintenance and repair.

SECTION 7 – SEWER EXTENSIONS

- 7.1 **Town Constructed Sewer Extensions** – Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Board of Selectmen, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for the installation of the building sewer from the public sewer to the residence or place of business in accordance with the requirements of this Ordinance.
- a. When abutting property owners wish to have public sewer facilities extended beyond the existing service area, a majority of the property owners must petition the Board of Selectmen by written petition.
 - b. The signed petition must be presented to the Board of Selectmen at a regular or special meeting of the Board for their consideration.
 - c. Upon receipt of the petition, the Board of Selectmen shall request a recommendation on the proposed project from the Department of Public Works.
 - d. The Department of Public Works will prepare a report concerning the feasibility as well as an estimated cost of the construction which shall be submitted to the Board of Selectmen.
 - e. The Board of Selectmen shall, if they deem the project feasible both from a construction and a financial standpoint, request the Town Manager to submit a recommendation for financing.
 - f. The Board of Selectmen, when in agreement with the proposed financing, shall request the Director of Public Works to prepare a list of the abutters to be benefited, and to submit this list to the Town for mailing of the estimated assessments. The estimated assessments will be

based upon 100% of the estimated project costs to serve the total number of benefited property owners. Benefited shall mean any property abutting the new sewer extension, whether or not requesting service.

- g. The Board of Selectmen shall set the annual simple interest rate to be charged on those assessments which are desired to be paid on a term basis.
- h. The Town shall send notices of the estimated assessments and the interest rate to be charged on the assessments paid over an extended period of time to all abutting property owners to be benefited by the proposed project. Benefited property owners may choose to pay their assessment in a lump sum or over an extended period of time not to exceed five (5) years, or some other period of time that is agreeable to the Board of Selectmen. The assessment plus interest shall be payable in four equal payments per year at the rate previously set by the Board of Selectmen. The Town shall require all benefited property owners who choose to pay their assessment over an extended period of time to execute an agreement which shall be filed at the Hancock County Registry of Deeds and at the office of the Southwest Harbor Town Clerk. This agreement shall bind the signer to pay for his proportional share of the total project cost.
- i. The Board of Selectmen will authorize the construction of the project when 75% of the estimated assessments have been signed and returned by the benefited abutting property owners.
- j. A public hearing will be held by the Board of Selectmen at which time the actual assessment will be considered legally established and any benefited property owner's grievances will be heard.
- k. The Department of Public Works will have final plans and specifications prepared and will determine if the project can be done by Town forces or by contract. (If by contract, the usual bidding procedure will be followed as required by Maine Municipal Law).
- l. Once the project is complete, the Department of Public Works will determine the total project cost., to include design and inspection fees, if appropriate, and notify the Board that the project is complete and usable.
- m. The Town will prepare and mail the actual amount of the assessment to be made to each benefited property owner. The assessment shall be based upon 100% of the actual project cost. The benefited property owner assessment (PA) shall be calculated as follows:

Total project cost divided by number of potential benefited property owners. Non-residential properties shall be assessed a percentage of projected water usage, not to be less than the residential share of total cost, as determined by the Director of Public Works. Subsequent hook up to the sewer line beyond initial abutting benefited property owners will decrease the user share to cost ratio with pro-rated refunds to those benefited abutting property owners who have already paid and subsequent payments to other benefited abutting property owners will be reduced proportionately.
- n. Benefited property owners shall make their applications for sewer connection at the Town Office. Upon application, the benefited property owner shall pay to the Town, the sewer application and service fees in addition to the sewer extension assessment fee. All benefited property owners shall have connected to said sewer within two (2) years after the sewer extension was deemed usable.

- o. The Town will make sewer assessment refunds without interest if additional benefited property owners are connected to the requested sewer extension. The sewer extension assessment refunds will be made to the benefited property owners of record at the time of the refund.
- p. No benefited property owner refunds will be made after a period of ten (10) years from the date the Board of Selectmen deem the sewer extension complete and useable.

7.2 **Private Sewer Extensions Constructed within Private or Public Way** – If the Town does not elect to construct a sewer extension under Public Contract, the Developer (property owner, building contractor, etc.) may construct the necessary extension, if such extension is approved by the Board of Selectmen in accordance with the requirements. Said developer must pay for the entire installation including all expenses incidental thereto. The design of the sewer extension shall be as specified in SECTION 8, GUIDELINES FOR MATERIALS AND CONSTRUCTION OF SEWER MAINS. The installation of the sewer extension shall be subject to periodic inspection by the Department of Public Works or its agent. The decision of Public Works shall be final in matters of quality and methods of construction. The cost of sewer extensions thus made shall be totally absorbed by the developer. Private systems constructed within public ways will remain privately owned until such time as at least one other customer requests connection to the private system and all appropriate easements have been filed and other requirements have been met.

- a. The developer shall prepare a detailed report with substantiated data included concerning the estimated cost of the proposed sewer extension construction and the estimated cost of the installation of a complete non-engineered subsurface wastewater disposal system designed and installed in conformance with the State of Maine Plumbing Code that would serve a typical three (3) bedroom dwelling with a design flow that meets or exceeds the requirements of the Maine Plumbing Code.
- b. The assessor, in conjunction with the Department of Public Works, shall prepare a list of abutters to be benefited by the proposed private sewer extension. In the case of the sewer being extended in a public road for connection to the existing Town mains, persons or properties abutting the new line along said road, and having adequately functioning on-site disposal systems shall not be required to connect to the new line.
- c. Upon receipt of the report from the developer, the Board of Selectmen shall schedule a Public Hearing on the proposed sewer extension. The Town shall send notices of the Public Hearing by registered mail stating the reason, date, time and location for the Hearing.
- d. The Board of Selectmen, when in agreement with the proposed private sewer extension construction, the proposed construction specifications, the proposed construction costs and any special requirements they wish to apply as a part of their approval, will authorize the construction of the project.
- e. The developer shall notify the Town when the private sewer extension project has started and when it is complete. The Director of Public Works shall make final inspection of the construction project and prepare a report to the Board of Selectmen stating the status of the project and whether the sewer extension has been installed and constructed in conformity with the specification.

- f. The developer shall prepare and execute all necessary documents to the Board of Selectmen's satisfaction for the dedication of the private constructed sewer to the Town. This shall include dedication of any easement for the sewer mains within the private way, of a size appropriate for maintenance, testing and repair.
- g. Upon receipt of the executed dedication documents and a satisfactory report from the Department of Public Works regarding its final inspections, the Board of Selectmen shall accept such sewer extension and deem the sewer extension usable.
- h. Benefited property owners requesting connection to the sewer extension shall make application for connection to the sewer at the Town Office. Benefited property owners shall pay upon application the sewer application and service fees and the sewer extension assessment fee. The sewer extension assessment fee will not be charged after ten (10) years from the date the Board accepted the sewer from the developer.
- i. The sewer extension assessment fee shall be calculated as follows described in paragraph 7.1.m.
- j. The Town shall make sewer assessment fee refunds to the developer, as calculated in paragraph 7.1.o. if and when benefited property owners are connected to the sewer extension.
- k. No sewer extension assessment fee refunds will be made after a period of ten (10) years from the date the Board of Selectmen accepted the dedication of said sewer extension from the developer.

7.3 **Privately Constructed Sewer Extension** – If the Town does not elect to construct a sewer extension under public contract, the developer (property owner, building contractor, etc.) may construct the necessary sewer extension, if such extension is approved by the Board of Selectmen in accordance with the requirements of this Ordinance. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developer. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid by the developer. Design of sewers shall be as specified in this Ordinance. The installation of the sewer extension shall be subject to periodic inspection by the Department of Public Works and the expenses for this inspection shall be paid for by the developer. The Director of Public Works' decision shall be final in matters of quality and methods of construction. Before it may be used, the sewer, as constructed, must pass the leakage test required in this Ordinance.

7.4 **Sewer Extension Ownership** – All sewer extensions constructed at the property owner's, builder's or developer's expense, after final approval and letter of acceptance by the Selectmen, shall become the property of the Town and shall thereafter be maintained by the Town. The sewers, after their acceptance by the Town, shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than ten percent (10%) of the Engineer's estimate of the cost of the extension.

7.5 **Building Permit Requirement** – No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal is proposed.

SECTION 8 – GUIDELINES FOR MATERIALS AND CONSTRUCTION OF SEWER MAINS

8.1 **Materials and Design of Sewer Extensions** – Sewer design shall be in accordance with the following provisions:

- a. All extensions to the sanitary sewer system shall be properly designed by a Registered Professional Engineer of the State of Maine in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of Station Sanitary Engineers.
- b. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Town before construction may proceed.
- c. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

8.2 **Gravity Sewer Design** shall be in accordance with the following provisions:

- a. Pipe material shall be polyvinyl chloride pipe (PVC), couplings and fittings shall conform to the ASTM designation D3034 with an SDR of 35.
- b. The minimum internal pipe diameter shall be eight (8) inches.
- c. The joints for each kind of pipe shall be push-on joints using O-ring gaskets provided by the pipe manufacturer and installed in accordance with the pipe manufacturer's recommendations.
- d. Six (6) inch wye branches or tees shall be installed for connection to building sewer. A six (6) inch building sewer shall be run from the sewer main to the property line. The end of the building sewer shall be capped for the final testing. The location of the end of the sewer shall be tied to a minimum of three points.
- e. Upon acceptance of the sewer extension by the Town, the building sewers may be extended in accordance with the provisions of this Ordinance and the Code.
- f. Sewers shall be laid in granular fill from the bottom of the excavation to the mid-diameter of the pipe for the full width of the trench and compacted to a minimum density of 90% of the maximum density determined by ASTM Method D1557, (Modified Proctor). The type of granular fill to be used and the thickness of same will be determined in the field based on the sub-grade soil and the groundwater conditions encountered along the pipeline route.
 - (1) Where the bottom of the excavated trench is above the natural groundwater level or the level of groundwater maintained continuously by a dewatering system installed in advance of construction, four (4) to six (6) inches of crushed stone or a minimum of six (6) inches of gravel borrow shall be placed beneath all barrels, bells or couplings of all pipes installed.

- (2) Where the bottom of the trench excavation is below the groundwater level and pumping of water is done from within the excavation, the contractor shall use a bedding system which provides a stable working surface, will limit disturbance of the subgrade and will limit as much as practicable the piping or washing of fine soil grains from the subgrade soils due to the flow of water into the trench. In all cases where groundwater is present as defined herein before, crushed stone shall be installed from the mid-diameter of the pipe to a point four (4) to six (6) inches beneath the bottom of all barrels, bells or couplings of all pipes installed. Where the subgrade soil type is a low or nonplastic silt (ML), silty or clayey sand (SM, SC), fine to medium sand (SP), or silty or clayey gravel (GM, GC) as defined by the soil classification system described in ASTM Standard Method D2487 (Unified System) a two-layer bedding system shall be utilized. The top layer of this of this bedding system shall be crushed stone as described herein before and the lower layer shall be a minimum of six (6) inches thick and be comprised of gravel borrow.
- (3) No more than six (6) inches of crushed stone bedding shall be placed beneath the bottom of any pipe and/or structure. If through an error in excavation by the contractor or due to a need to remove unsuitable material to depths greater than required to install the pipe bedding, the contractor shall backfill this additional excavation with a gravel borrow. Gravel borrow may be placed in a single lift if the total thickness of gravel borrow beneath the pipe does not exceed twelve (12) inches. If greater than twelve (12) inches of gravel bedding or backfill is required below the pipe barrel, second and successive lifts shall be placed in lifts not greater than eight (8) inches loose measure. Gravel shall achieve a minimum density of 90 percent of maximum density determined by ASTM Method D1557, (Modified Proctor). Clean fill material shall be installed from the mid-diameter of the pipe to a point twelve (12) inches over the top of the pipe to a minimum density of 90 percent of the maximum density determined by ASTM Method D155, (Modified Proctor).

8.3 **Manholes** shall be constructed at all changes in slope and alignment or at intervals not exceeding three hundred (300) linear feet. The manholes shall be constructed of precast reinforced concrete conforming to ASTM C478. Horizontal joints between sections of precast concrete manholes shall be sealed with a self-sealing butyl rubber based flexible joint sealant in rope form. Sealant shall be Kent-Seal No. 2, Ram-Nek, or equal.

- a. Manhole steps shall be of cast aluminum or steel reinforced copolymer polypropylene plastic. All steps shall be twelve (12) inches on center with abrasive step surface and safety edge, drop front design one (1) inch diameter and sixteen (16) inch wide.
- b. Pipe connections shall be made with premolded elastomeric sealant joints. Premolded elastomeric sealed joints shall be A-Lok, Res-Seal, Press Wedge II Lock Joints Flexible Manhole Sleeve, Kor-N-Seal Joint Sleeve, or approval equal.
- c. Manhole covers and frames shall be cast iron conforming to the requirement of ASTM Specification A48, Class 30, and shall be of noiseless non-rocking design with pick holes at the circumference of the cover. The word "sewer" shall be cast on each cover along with the words "Town of Southwest Harbor". Each manhole cover and frame shall have a minimum total weight of 450 pounds with a clear opening of 24 inches. Manhole covers and frames

shall be comparable to Ethridge Model M2675 or comparable models as manufactured by LeBaron Foundry Company, or Neenah Foundry Company. Frames and covers shall be adjusted to grade with a minimum of two (2) bricks and a maximum of five (5) bricks.

- d. Tables and inverts shall be constructed of hard smooth brick set in concrete made of Portland Cement. Inverts shall have the exact shape of the sewers which are connected, and any change in size or direction shall be gradual and even.

8.4 **Leakage Testing** - After the completed sewer line, including service connections, has been installed, the sewer must pass the Town's leakage limitations before they will be approved and sewage flow accepted from them by the Town. The primary means of such testing in gravity sewers shall be by low pressure air after installation and capping of house services and backfilling of the gravity sewer trench. Pneumatic plugs used for pipe plugging shall be checked before being used in the actual test installations. One length of pipe shall be laid on the ground and sealed at both ends with these plugs and air shall be introduced to it at 25 psig. The sealed pipe shall then be pressurized to 5 psig. The plugs shall hold against this pressure without bracing and without movement of the plugs out of the pipe. After a manhole to manhole reach of pipe has been backfilled and cleaned and the pneumatic plugs checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the maximum pressure exerted by groundwater that may be above the invert of the pipe at the time of the test. However, the internal air pressure in the sealed line shall not be allowed to exceed 8 psig. At least two minutes shall be allowed for the air pressure to stabilize. After the stabilization period with 3.5 psig. minimum pressure in the sealed line, its air supply shall be disconnected. The portion of line being tested shall be termed acceptable if the time required in minutes for the pressure to decrease from 3.5 to 2.5 psig shall not be less than the time shown for the given diameters in the following table:

<u>Pipe Diameter (inches)</u>	<u>Minutes</u>
4	3.0
6	4.0
8	5.0
10	6.5
12	7.5
15	9.5
18	11.5

8.5 **Deflection Testing** - An in-place deflection test shall be performed when PVC gravity sewers are installed. The gravity sewer shall have a maximum deflection of 5 percent at the time of testing. Upon completion of a sewer section, including the placement and compaction of backfill and the cleaning of the sewer, the deflection shall be measured in 10 percent of the sewer lines. The testing shall be done by the use of a deflectometer, a properly sized "go, no go" mandrel, or a sewer ball, in accordance with the manufacturers recommendations. All sewer lines with a deflection greater than 5 percent shall be repaired by rebedding or replacement of the pipe. At the conclusion of the work, the sewer shall be thoroughly cleaned by flushing with water to remove dirt, stones and other material.

8.6 **Force main design** shall be in accordance with the following provisions: Pipe material shall be either composite PVC/FRP pipe conforming to ASTM D2992 and ASTM D2996-71, or polyvinyl chloride (PVC) pressure pipe, Class 150, conforming to AWWA C900-75. The joints

for each kind of pipe shall be push-on joints O-ring gaskets provided by the pipe manufacturer and installed in accordance with the pipe manufacturer's recommendations.

Concrete thrust blocks shall be placed at all force main bends 11 1/4 degrees and greater. The force main shall be tested by water pressure equal to two times the total dynamic head of the pump to which the force main is attached, unless this produces greater than the working pressure of the pipe. In that case, the pipe shall be tested to the working pressure of the pipe. This pressure shall be held for a period at least fifteen (15) minutes, allowing a maximum pressure drop of 5 psi.

SECTION 9– USE OF PUBLIC SEWERS

9.1 Unpolluted Water Prohibited in Public Sanitary Sewer

- a. No person shall discharge, or cause to be discharged, any unpolluted waters such as storm water, surface water, ground water, roof run off, sump pumps, foundation drains, subsurface drainage, cooling water, or unpolluted industrial process water, to any sanitary sewer.
- b. Where such connections already exist, the Owner must, after notification by the Town, and at the Owner's expense, remove said connections and provide proof of such to the Town. The Board of Selectmen may establish and levy a stormwater disposal fee as part of the sewer bill until proof of the removal of such a connection is provided.

9.2 **Dilution** - no User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

9.3 Prohibited Discharge Standards

- a. **General Prohibitions.** No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- b. **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment, unless otherwise approved by the Superintendent;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference;

- (4) Any garbage that has not been properly shredded. (See Section 2.2)
- (5) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- (6) Wastewater having a temperature greater than 150°F (150 degrees F) 65°C (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (7) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's MePDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;
- (18) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0° and 65°C).

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

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- d. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in Section 11 of this ordinance in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

9.4 **State Pretreatment Standards** - Users must comply with State Pretreatment Standards codified at 06-096 CMR Chapter 528 Pretreatment Program.

9.5 **Local Limits**

- a. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) to protect against Pass Through and Interference. Such limits shall be reviewed and modified periodically as required by the MEPDES permit of the Town or at the Superintendent's discretion.
- b. No person shall discharge wastewater containing concentrations in excess of the Local Limits.
- c. The above limits apply at the point where the wastewater is discharged to the POTW.
- d. All concentrations for metallic substances are for total metal unless indicated otherwise.
- e. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.
- f. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 10.1.

9.6 **Grease interceptors required.**

- a. Grease interceptors shall be provided in any establishment where food is prepared or dispensed: to include, but not be limited to restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, bed-and-breakfasts, hospitals, sanitariums, factories, school kitchens, commercial kitchens and nursing homes.
- b. The Wastewater Superintendent may authorize annual waivers in those cases where one of the above commercial establishments is determined not to be a grease generator. Any establishment that generates wastewater, or other waste to enter the public sewer, which contains less than 100 parts per million by weight, of fat, oil or grease shall be considered not to be a grease generator. In reaching his determination the Wastewater Superintendent may require a test. Testing fees, if necessary, shall be paid by the applicant. If inspection of a sewer service indicates grease is entering the system from a property that has previously obtained a waiver, the Superintendent may revoke the waiver and require that a grease interceptor be installed.

- c. A grease interceptor is not required for individual dwelling units or for any private living quarters. Establishments which are not on the public sewer system are exempt from the requirements of this chapter, but must comply with State Subsurface Wastewater Disposal Rules.
- d. Oil and sand interceptors required. Oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.
- e. Construction and design of interceptors. All grease interceptors shall be of a design conforming to the State of Maine Internal Plumbing Code. Sand interceptors, when in the opinion of the Superintendent they are necessary, shall conform to the same standards as grease interceptors. Grease and oil interceptors shall be constructed of impervious materials 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 gastight and watertight. The Superintendent shall review and approve all sizing requirements prior to application for the installation permit.
- f. Permit required for installation. A permit for installation of an interceptor shall be obtained from the local plumbing inspector.
- g. Location. Each interceptor and grease trap cleaning record shall be so located as to be readily and easily accessible for cleaning and inspection at all times. Grease trap cleaning records shall be displayed proximal to the location of the grease interceptor. Grease interceptors shall be of the internal type.
- h. Installation and maintenance.
 - (1) All establishments which are required to install grease interceptors must have the same installed no later than one hundred and eighty (180) days from the date of notice to do so by the Plumbing Inspector.
 - (2) Installation and maintenance of any interceptor shall comply with the Plumbing code. Accumulated grease shall be removed as needed, but in no case less than once per year. Owners of properties in which grease interceptors are installed must provide evidence of cleaning by mailing or delivering cleaning records to the Town Hall on a regular basis and also, maintain a record of the dates that such interceptors are cleaned. These records remain the property of the Town of Southwest Harbor. Seasonal businesses are exempt from inspection and cleaning requirements during the times of year when they are closed.
- i. Inspection and violations. In the application for the installation of an interceptor, the owner or tenant of the premises shall grant to the Town permission to conduct unannounced inspections of such interceptor during normal business hours, which inspections shall not unreasonably interfere with normal operations of the business. Should an inspection show a violation of this Section, the owner and/or tenant of the premises will be advised as to the requirements of this section. Should a second inspection reveal a violation continued, a written warning shall be issued describing the requirements of this section. In the event a third violation occurs, the highest dollar value of the following will be charged to the owner, tenant and/or occupant of the premises for each violation: a minimum surcharge of \$200, or a ten-percent surcharge to the premises' sewer bill for the current quarter. If further violations continue, these may result in the prosecution of the owner, tenant and/or occupant of the premises.

9.7 **The Town's Right of Revision**

The Town reserves the right to establish, by ordinance or in individual wastewater discharge permits more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

SECTION 10 - PRETREATMENT OF WASTEWATER

10.1 **Pretreatment Facilities** - Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 9.3 of this ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this ordinance.

10.2 **Additional Pretreatment Measures**

- a. Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and ensure the User's compliance with the requirements of this ordinance.
- b. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

10.3 **Accidental Discharge/Slug Discharge Control Plans**

The Superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- a. Description of discharge practices, including nonroutine batch discharges;
- b. Description of stored chemicals, and conditions under which they are stored;
- c. Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge, as required by Section 10.3 of this ordinance; and
- d. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

SECTION 11—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

- 11.1 **Wastewater Analysis** - When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within ten (10) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.
- 11.2 **Individual Wastewater Discharge Permit Requirement** - Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 15 and 16 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.
- 11.3 **Application Signatories and Certifications**
- a. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 12.10 a.
 - b. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.
- 11.4 **Individual Wastewater Discharge Permit Decisions** - The Superintendent will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Superintendent will determine whether to issue an individual wastewater discharge permit. The Superintendent may deny any application for an individual wastewater discharge permit
- 11.5 **Individual Wastewater Discharge Permit Duration** - An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.
- 11.6 **Monitoring Manholes Installed by Industrial Users** – If found necessary by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible to the Town at all times.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Town. Such records shall be made available upon request by the Town to other agencies having jurisdiction over discharges to the receiving waters.

SECTION 12 – REPORTING REQUIREMENTS

12.1 **Ordinance Compliance Requirements** – The Town may require the user of sewer services to provide information needed to determine compliance with these rules and regulations. These requirements may include, but are not limited to:

- a. Average and peak rate of wastewater discharge and volume over a specified time period.
- b. Chemical analysis of wastewaters.
- c. Information on raw materials, processes and products effecting wastewater volume and quality.
- d. Quantity and disposition of specified liquid, sludge, oil, solvent or other materials important to sewer use control.
- e. A pilot plan of the user’s property showing sewer and pretreatment facility locations.
- f. Details of wastewater pretreatment facilities.
- g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer system.

12.2 **Periodic Compliance Reports**

- a. Except as specified in Section 2.2, all Industrial Users must, at a frequency determined by the Superintendent submit reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.
- b. All periodic compliance reports must be signed and certified in accordance with Section 12.10 of this ordinance.
- c. All wastewater samples must be representative of the User’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- d. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in Section 12.7 of this ordinance, the results of this monitoring shall be included in the report.

12.3 **Reports of Changed Conditions** - each User must notify the Superintendent of any significant changes to the User’s operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- a. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an updated wastewater discharge permit application under Section 11 of this ordinance.
- b. The Superintendent may issue an individual wastewater discharge permit or modify an existing wastewater discharge permit under Section 11 of this ordinance in response to changed conditions or anticipated changed conditions.

12.4 Reports of Potential Problems

- a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- b. Industrial Users are required to notify the Superintendent immediately of any changes at their facility affecting the potential for a Slug Discharge.

12.5 Notification of the Discharge of Hazardous Waste

- a. Any User who commences the discharge of hazardous waste shall notify the POTW in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste. If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 12.3 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Section 2.2 of this ordinance.
- b. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

12.6 **Analytical Requirements** - All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed by EPA approved methods, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the [Superintendent] or other parties approved by EPA.

12.7 **Sample Collection** - Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- a. The User must collect wastewater samples using EPA approved sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate

preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

12.8 Recordkeeping - Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 9.5.f. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Town, or where the User has been specifically notified of a longer retention period by the Superintendent.

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

12.10 **Certification Statements**

- a. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 11.3; Users submitting baseline monitoring reports under Section 12 ; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 10; Users submitting periodic compliance reports required by Section 12.2, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 12. The following certification statement must be signed by an Authorized Representative as defined in Section 2.2:

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

SECTION 13 – PROTECTION FROM DAMAGE

- 13.1 **Damage to Public Sewer Prohibited** – 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 municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 13, Section 806.
- 13.2 **Evidence of Insurance by Contractor** – A contractor must present a certificate of insurance showing, at a minimum, liability coverage of \$100,000/\$300,000 for bodily injury and a \$25,000 limit for property damage including collapse and underground coverage before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Superintendent.

SECTION 14 – POWERS AND AUTHORITY OF INSPECTORS

- 14.1 **Right of Entry** - The Superintendent or Local Plumbing Inspector shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent or Local Plumbing Inspector ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying, and the performance of any additional duties.
- a. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the User.
 - b. Unreasonable delays in allowing the Superintendent access to the User’s premises shall be a violation of this ordinance.
 - c. Search Warrants - If the Superintendent or Local Plumbing Inspector has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent or Local Plumbing Inspector may seek issuance of a search warrant from the appropriate authorities.

SECTION 15 – PENALTIES

- 15.1 **Notice of Violation** – Any person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time period for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and notify the Town of corrective measures taken and when completed.

- 15.2 **Failure to Comply** – Any person who fails to comply with the provisions of this ordinance other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine not less than one hundred dollars (\$100) and not exceeding one thousand dollars (\$1,000) for each offense. The continued violation of any provision of any section of this ordinance other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. In addition to the penalties provided herein, the Town may recover reasonable attorneys fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated these rules and regulations.
- 15.3 **Alternative Action(s) by the Town** - As an alternative, upon identifying any violation of this ordinance, the proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings, including an injunction to prevent such unlawful use, construction, or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, and other violations mentioned herein, to restrain, correct or abate such violation, or to prevent the occupancy of any building, structure or land where said violations of this ordinance are found.
- 15.4 **Compliance Orders** - When the Superintendent or Local Plumbing Inspector finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent or Local Plumbing Inspector may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including, but not limited to, additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- a. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.
- 15.5 **Remedies Nonexclusive** - The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Town’s enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.
- 15.6 **Liability to the Town** – Any person violating any provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

SECTION 16 – SEWER SERVICE CHARGE

16.1 Funding Sources

- a. Capital and Infrastructure Expenses - Debt service incurred on or after May 4, 2010 for Capital Expenditures and Infrastructure Expenditures shall be financed using the Town's general fund. All debt service existing prior to May 4, 2010, as well as any debt service incurred on or after May 4, 2010 for purposes other than Capital Expenditures and Infrastructure Expenditures shall be financed through a sewer service charge assigned to all owners of all properties located within the public sewer service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not. Expenses incurred for Capital Expenditures and Infrastructure Expenditures that are not financed will be paid for in the same manner as Operational Expenses, as set forth in Section 12.1(b) below.
- b. Operational Expenses: The source of revenues needed for Operational Expenditures shall be a sewer service charge assigned to owners of all properties located within the public sewer works service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not.

For purposes of this section, the following definitions shall apply:

- (1) ***Capital Expenditures***: An outlay of funds for the acquisition or improvement of a fixed asset with an expected useful life of at least twenty (20) years which extends the life or increases the productivity of the asset, and for which the expense is *generally* capitalized and depreciated over the estimated useful life of the asset.
- (2) ***Infrastructure Expenditures***: An outlay of funds for the basic facilities, equipment, installations and appurtenances (e.g. distribution lines) needed for the functioning of the Publicly Owned Treatment Works and having an expected useful life of at least twenty (20) years.
- (3) ***Operational Expenditures***: An outlay of funds required to allow the Sewer Department to meet expenses incurred in the ordinary course of operating the Sewer Department and the Publicly Owned Treatment Works.

16.2 **Establishment of Rates** – Sewer service charge rates including readiness to serve charges shall be determined by the Town Selectmen after notice and hearing. This charge will be computed and billed on a quarterly basis throughout the calendar year.

16.3 **Billing Categories and Justification** – The sanitary sewer service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 3.1 hereof.

- a. In the case of a building not connected to the public system, such charge shall be deemed a “ready to serve” charge levied to aid in defraying expense incurred in making service available to the property.
- b. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt service may in the opinion of the Governing Body be regarded as a minimum charge the user will be billed the minimum charge at a rate established by the Board of Selectmen.

- c. In the case of a connected building actively discharging to the public system for all or part of any given billing period, the charge shall be increased to include the cost of operation and maintenance of the public sewage works.
 - d. Buildings which are served only by public sewer but not public water will be billed at a rate set by the Board of Selectmen. Owners of these buildings may choose to have their well metered at their own expense, and be charged for actual usage.
- 16.4 **Changes in Rates** – The Town Selectmen reserve the right, from time to time, to change the rates of sewer service charges originally or previously assigned to any property owner.
- 16.5 **Late Charge** – There shall be a late charge equal to the maximum rate allowed by state law assessed to all delinquent accounts effective thirty (30) days from the date of billing. The rate shall be established annually by the Town.
- 16.6 **Disputed Bills.** Any dispute over a bill must be submitted in writing within ninety (90) days from the date of receipt of the bill.
- 16.7 **Disconnection Process for Overdue Combined Water & Sewer Balances.** The Utility may disconnect water service to Customers receiving sewer service for non-payment of an undisputed balance, if the total overdue balance is greater than \$100.00.

a. **DEFINITIONS**

(1) Total Account Balance means the total water and sewer amount owed by a Customer than has been properly billed. It does not include disputed amounts, non-payment of fees, or charges for estimated sewer service usage.

(2) Total Amount Overdue means the total water and sewer amount billed to a Customer that has not been paid by the due date of the bill or by a date otherwise agreed upon by the Utility and the Customer. Disputed amounts will not be included in the Total Amount Overdue.

- b. **DISCONNECTION AND RECONNECTION.** A 14 day disconnection notice shall be issued when a Customer does not pay or make a payment arrangement on an undisputed balance, and the Total Amount Overdue is greater than \$100.00.
- c. **PAYMENT ASSOCIATION.** In the event that a payment is received by the Utility that does not clearly indicate whether the payment is for water or sewer, the Utility shall attempt to ascertain the intentions of the Customer. When such intentions cannot be determined, money received shall be applied first to outstanding water bills, and then to outstanding sewer bills.
- d. **PAYMENT ARRANGEMENT.** The Utility shall continue to serve a Customer who cannot pay the Total Account balance provided satisfactory payment arrangements are made in accordance with the Commission’s Rules and Regulations and with these Terms and Conditions.

- 16.8 **Special Industrial Rates** – A special sewer service charge shall be assigned to any firm or organization which discharges industrial wastes to the POTW.

The Town may adopt charges and fees which may include:

- a. Fees for reimbursement of costs for setting up and operating a pretreatment program;
- b. Fees for monitoring, inspections and surveillance procedures;
- c. Fees for reviewing accidental discharge procedures and construction;
- d. Fees for permit applications;
- e. Fees for filing appeals;
- f. Fees for consistent removal (by the Town) of pollutants otherwise subject to Federal Pretreatment Standards;
- g. Other fees as the Town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Town.

SECTION 17 – LICENSE

- 17.1 **License Fees** – Each and every plumber, contractor or excavator, or other person, firm or corporation other than the property owner himself, will be required to secure a license issued by the Town Clerk, before he will be permitted to do any work in the Town insofar as this Ordinance is concerned. The initial fee and annual renewable fee shall be as indicated on the license application form provided in the Appendix.
- 17.2 **Revoking of License** – If, in the opinion of the Governing Body, the work performed by the Contractor within the Town violates the provisions of this ordinance or any other ordinance of the Town, or if the Contractor’s work is, in the opinion of the Governing Body, substandard, then in that event, the Governing Body may revoke the license for the Contractor to do work in the Town.

SECTION 18 – PAYMENT OF OUTSTANDING FEES AND PENALTIES

The Superintendent may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

SECTION 19– VALIDITY OF ORDINANCE

- 19.1 **Prior Ordinances Repealed** – All ordinances or parts of ordinances, in conflict herewith are hereby repealed.
- 19.2_ **Invalid Sections** – The invalidity of any section, clause, sentence or provision of this ordinance shall not effect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 20 – ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage, approval and recording.