

SCARBOROUGH SANITARY DISTRICT

SCARBOROUGH, MAINE

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SEWER USE REGULATIONS (Draft)



ADOPTED

Note: Gray highlighted sections are sections integrated from current SSD regulations for purposes of cross-referencing during development of updated regulations.

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SECTION 1 - GENERAL PROVISIONS

1.1 Sewer Use Regulations

Users of the District's system are subject to the terms of the Sewer Use Regulations, as amended, and such other policies and procedures as are determined by the Trustees to be necessary and convenient to carry out their statutory duties.

1.2 Related District Documents

The District has other related documents which are utilized in the day-to-day management and governance of system and the users. These documents are not appended herein, but are listed below for convenience and reference.

- Maine Sanitary District Enabling Act (Title 38, Chapter 11)
- Investment Policy
- Post Issuance Compliance Policy
- Low Pressure Sewer System Policy
- House/Building Service Connection Policy
- Pleasant Hill Drainage Area Recovery Charge
- Schedule of Rates
 - Residential
 - Commercial and Institutional
 - Industrial
 - Sub-Meters
 - Capacity Reserve Fund
 - Pleasant Hill Drainage Area Cost Recovery Charge
- Permit Applications Forms
 - Building Connection Permit
 - Grease, Sand, Oil & Water Interceptor Permit
 - Sewer Extension Permit
 - Septage Discharge Permit
- Scarborough Sanitary District Design Standard Detail Plans
- Sub-Meter Policy
- Other Policies Adopted by the District

1.3 Purpose and Policy

These Regulations set forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Scarborough Sanitary District (District) and enables the District to comply with all applicable State and federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and the Maine Sanitary District Enabling Act (Title 38, Chapter 11). Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices, and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs, as well as assisting to protect the environment, the District establishes the following objectives of these Regulations:

- A. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment, and the general public;
- D. To promote reuse of sludge from the POTW; and
- E. To enable the District to comply with its Maine Pollutant Discharge Elimination System (MEPDES) permit conditions, sludge use and disposal requirements, and any other federal or State law to which the POTW is subject.
- F. To promote, consistent with the policy of the federal government:
 - The prevention or reduction of pollutants at the source whenever feasible;
 - Recycling in an environmentally-safe manner when pollution cannot be prevented;
 - Treatment in an environmentally-safe manner of pollution that cannot be prevented or recycled; and
 - Disposal or other release into the environment in an environmentally-safe manner only as a last resort.
 - To encourage the development of these efforts, the District may:
 - Set District-wide pollution prevention goals;
 - Organize an assessment program task force;
 - Review data and inspect sites;
 - Develop pollution prevention options;
 - Conduct a feasibility analysis of selected options;
 - Promote implementation of pollution prevention techniques; and
 - Take such action as may be necessary to further the goals of these efforts.

These Regulations are enacted pursuant to the Maine Sanitary District Enabling Act and shall apply to all users of the POTW. The Regulations authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires user reporting.

1.4 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of these Regulations. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other District personnel.

1.5 Abbreviations

The following abbreviations, when used in these Regulations, shall have the following designated meanings:

·	ASTM	-	American Society for Testing Materials
·	BOD	-	Biochemical Oxygen Demand
·	CFR	-	Code of Federal Regulations
·	COD	-	Chemical Oxygen Demand
·	EPA	-	United States Environmental Protection Agency
·	FOG	-	Fats, Oils and Grease
·	gpd	-	Gallons per day
·	IDP	-	Industrial Discharge Permit
·	mg/l	-	Milligrams per liter
·	DEP	-	Maine Department of Environmental Protection
·	MEPDES	-	Maine Pollutant Discharge Elimination System
·	MRSA	-	Maine Revised Statutes Annotated
·	POTW	-	Publicly Owned Treatment Works
·	RCRA	-	Resource Conservation and Recovery Act
·	SIC	-	Standard Industrial Classification
·	TDS	-	Total Dissolved Solids
·	TSS	-	Total Suspended Solids
·	USC	-	United States Code

1.6 Definitions

A. Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Regulations, shall have the meanings hereinafter designated.

1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
2. Approval Authority. The Maine DEP or its duly appointed agent.
3. ASTM. American Society for Testing and Materials.
4. Authorized Representative of the User.
 - a. If the user is a corporation:
 - i. 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
 - ii. The manager of one or more manufacturing, production, or operation

facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if 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.
- d. The individuals described in paragraphs (a) through (c), above, may designate another 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 District.

5. Average Daily Flow. The daily flow averaged over a 90-day period.
6. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l or milligrams per liter).
7. Builder. Any person, persons, or corporations who undertake to construct, either under contract or for resale, any habitable building.
8. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten (10) feet outside the inner face of the building wall.
9. Building Sewer. The extension from the building drain to the public sewer, or other place of disposal, also called house connection. The building sewer shall be maintained by the owners of the property served. That portion of the building sewer which lies within the boundaries of the property served shall be constructed by said property owner.
10. Bypass. The intentional diversion of wastestreams from any portion of a wastewater treatment facility.
11. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with

Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

12. Coliform Count. The number of all coliform bacteria per one hundred (100) milliliters of solution, as determined in accordance with standards methods.
13. Color of Liquid. The appearance of a liquid, from which the suspended solids have been removed, as determined in accordance with standards methods.
14. Combined Sewer. A sewer intended to receive both wastewater and storm or surface water.
15. Contractor. Any person, firm, or corporation which does work in the District.
16. Commercial Use. Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.
17. Commissioner. The Commissioner of the Maine Department of Environmental Protection, or the Commissioner's duly appointed agent.
18. Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.
19. Control Authority. The term Control Authority as used in these Regulations, refers to the Regional Administrator of the EPA.
20. DEP or MEDEP. The Maine Department of Environmental Protection.
21. Developer. Any persons or corporations who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.
22. District. Scarborough Sanitary District, Scarborough, Maine.
23. Domestic Wastewater or Sewage. Normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water and contains no industrial waste. (See also: Industrial Wastes.)
24. Easement. An acquired legal right for the specific use of land owned by others.
25. Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of said agency.
26. Existing Source. Any source of discharge, the construction or operation of which

commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

27. Floatable Oil. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
28. Force Main. A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.
29. Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
30. Grab Sample. 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.
31. Grease. The material removed from a grease interceptor (trap) serving a restaurant or other facility requiring such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.
32. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the Maine Department of Environmental Protection pursuant to the DEP's rules (06-096 Chapter 411) and rules adopted to implement said section.
33. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition.
34. Incompatible Pollutant. Any pollutant that is not a compatible pollutant.
35. Industrial Discharge Permit or IDP. The written permit between the District and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.
36. Industrial User. A person who discharges industrial wastes to the POTW of the District.
37. Industrial Wastes or Non-Domestic Wastewater. The wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water.
38. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from

any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

39. Instantaneous Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
40. Interference. A discharge, which 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 District's MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as 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; the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.
41. Local Limits. Numerical limitations on the discharge of pollutants established by the District, as distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.
42. May. Means permissive (see "Shall").
43. Medical/Infectious Waste Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, discarded medications, and dialysis wastes.
44. Maine Pollutant Discharge Elimination System Permit (MEPDES Permit). A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
45. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.
46. Normal Domestic Wastewater. Wastewater generated by residential users containing not more than 200 mg/l BOD and not more than 250 mg/l suspended solids.
47. New Source.
 - a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to 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:

- i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.
- b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- i. Begun, or caused to begin, as part of a continuous on-site construction program
 - ia.* any placement, assembly, or installation of facilities or equipment; or
 - ib.* significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - ii. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that 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.
- c. 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 (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

48. Non-Contact Cooling Water. Water used for cooling that does not directly contact

any raw material, intermediate product, waste product, or finished product.

49. Owner. Any individual, firm, company, association, society, corporation, group, partnership or combination of these.
50. Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's MEPDES permit, including an increase in the magnitude or duration of a violation.
51. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.
52. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units (grams per liter). Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.
53. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and components of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
54. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.
55. Pretreatment. 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.
56. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
57. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

58. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as identified in Section 2.3 of these Regulations.
59. Properly Shredded Garbage. Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
60. Property Line. 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 the instance where the building sewers connect to the public sewer in the right-of-way.
61. Public Sewer. Shall be used only with respect to the main line of pipe or conduit, owned, controlled and maintained by the District for the conveyance of waste or sewage from several properties, and shall not be understood to include building sewers or connections between the public sewer and the individual properties, which building sewers are maintained by the owners of the properties using them.
62. Private Sewer. Shall be any sewer and/or septic system, pre-existing or newly constructed, which is not owned or maintained by the District, and which serves or is intended to serve, more than one property.
63. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the District. 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. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the District who are, by contract or agreement with the District, users of the District's POTW.
64. Sanitary District Enabling Act. The Maine Sanitary District Enabling Act (Title 38, Chapter 11)
65. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
66. Screening Level. That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant, or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular

discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.

67. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.
68. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks.
69. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the Maine Department of Environmental Protection.
70. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.) from residences, toilet and lavatory facilities, non-commercial kitchens and laundries, and similar sanitary facilities of commercial and industrial buildings.
71. Sewage Treatment Plant. Any arrangements of deice and structures used for treating sewage.
72. Sewage Works. All facilities for collecting, pumping, treating and disposing of sewage.
73. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.
74. Shall. Means mandatory (see "May").
75. Significant Industrial User.
 - a. A user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or
 - b. A user that:
 - i. 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);
 - ii. Contributes a process wastestream that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii. Is designated as such by the District 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 determining that a user meeting the criteria in Subsection b.i. or b.ii. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a 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.

76. Significant Noncompliance or SNC. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- a. Chronic violations. A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedence) sixty-six percent (66%) or more of the time in a 6-month period;
- b. Technical Review Criteria (TRC violations). Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than the TRC factor in a six month period. The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), oil & grease and 1.2 for all other pollutants;
- d. Any other discharge violation that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- e. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- f. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- g. Failure to provide within thirty (30) days after the due date, any required reports, including, Industrial Discharge Permit applications, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- h. Failure to accurately report noncompliance; or
- i. Any other violation(s) that the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

77. Slug Load or Slug.

- a. Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;
- b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.3 of these Regulations; or
- c. Any discharge that may adversely affect the collection system and/or performance of the POTW.

78. Source Reduction. Any practice that:

- a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
- b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "source reduction" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

79. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

80. Standard Methods. The methods and procedures set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater* published by the American Public Health Association and current at the time of any examination of wastewater.

81. State. The State of Maine.

82. State Plumbing Code. The State of Maine Plumbing Code, as amended from time to time.

83. Storm Drain or Storm Sewer. A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

84. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
85. Sub-Meter. A meter that is permanently installed and hard plumbed that measures the amount of water used that is not discharged to the sewer.
86. Superintendent. The person designated by the Trustees to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by these Regulations, or a duly authorized representative. All powers and authority of the Superintendent shall derive from the Trustees.
87. Suspended Solids or TSS. 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.
88. Town. The Town of Scarborough, Cumberland County, Maine.
89. Treatment Plant, Treatment Works, or Treatment Facility. Any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludges as defined herein.
90. Trustees. The Board of Trustees of the Scarborough Sanitary District, who shall have final control of decisions concerning the District, including that of the Superintendent.
91. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the POTW.
92. User or Industrial User. A source of pollutants introduced into the POTW from any non- domestic source regulated under Section 307 (b), (c), or (d) of the Act.
93. Wastewater. Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
94. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Use of Public Sewers

This subsection also includes all requirements and stipulations set forth in the Maine Sanitary District Enabling Act (Title 38, Chapter 11).

- A. Any Person proposing a new discharge into the system or substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter 1, 361.
- B. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Scarborough Sanitary District or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or objectionable waste.
- C. It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of said District, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these Regulations and with State and federal laws and regulations.
- D. Sewers For Intended Uses Only. No person shall discharge into any public sewer of the District, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.
- E. Applicable Permits Required. No person shall discharge into any public sewer of the District, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state and local permits have been obtained.
- F. Use of Sanitary Sewers. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of sewage, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water.
- G. Storm Sewers. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approved by the Town of Scarborough. Storm sewers are not provided by or regulated by the District.
- H. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Superintendent will consider the pertinent facts and make a determination.
- I. Where a public sewer is not available, the owner must utilize a private sewage disposal system. A permit must be obtained from the Town of Scarborough's Plumbing Inspector

prior to constructing a private sewage disposal system, pursuant to the State of Maine Plumbing Code, Part II, and the Scarborough Plumbing Ordinance.

- J. Every building within the boundaries of the District which is intended for human habitation or occupancy or with facilities for discharge or disposal of wastewater or commercial or industrial waste, and which is accessible to a public sewer, shall be required to connect to the public sewer by the owner of the property in the most direct manner possible upon receiving notice from the District. Connection shall be made within 90 days of receiving written notice or within such further time as the Trustees may grant. Existing buildings which are already served by a private sewer system shall not be required to connect to the public sewer so long as the private sewer system functions in a satisfactory and sanitary manner, and does not violate any law or Regulations applicable thereto or any requirement of the State of Maine Plumbing Code, as determined by the municipal plumbing inspector, their alternate, or in the event that both are Trustees or employees of the District, the Division of Health Engineering. A building shall be deemed accessible to the public sewer if such building, or any private sewer directly or indirectly connected thereto shall at any point be or come within 200 feet of the public sewer, provided that nothing in this paragraph shall require the owner of any such building to acquire any real property or easement therein for the sole purpose of making such connection. See Title 38, Section 1160 of the Enabling Act for additional requirements.
- K. At such time as a public sewer becomes available to a property served by a private disposal system, connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools, or similar private sewage disposal facilities shall be emptied, abandoned, and filled with suitable material.
- L. No statement contained in the preceding paragraphs of this Section shall be construed to interfere with any additional requirements that may be imposed by the District.
- M. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW. Refer to Section 9.12 of these Regulations for additional information.

2.2 Building Sewers and Connections

- A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permit from the Trustees.
- B. There shall be three (3) classes of building sewer permits: (1) for residential, (2) for commercial, and (3) for service to establishments producing industrial wastes. Application for a building sewer permit shall be made by a licensed plumber, licensed drain layer and property owner for the building to be connected and shall be made on an application for provided by the Superintendent. For residential and commercial services, application shall be made to the District at least thirty (30) days prior to said service connection. For an establishment discharging industrial wastes, application shall be made

to the District at least sixty (60) days prior to said service connection. Each application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the Superintendent. At his discretion, the Superintendent may also require that all plans, specifications, and data so submitted shall bear the seal and signature of a Professional Engineer registered in the State of Maine. A permit and inspection fee in accordance with the provisions of applicable District requirements shall be paid to the District at the time the application is filed. Building sewers shall be constructed by a licensed plumber, licensed drain layer or property owner.

- C. Permits shall be allocated or issued only to Persons having some right, title or interest to the property.
- D. No permit shall be issued until plans for the proposed construction have been finally approved by the Scarborough Planning Board, or certification is received from the Town confirming that such Planning Board approval is not required. In the case where service by the District's sewer is proposed as a part submitted to the Town Planning Board, the plan for the sanitary sewers must receive approval from the Trustees before sewer permits are issued. Planning Board's approval should expire, the approval by the Trustees shall be deemed to have lapsed, and no sewer permits may be issued until a new application is submitted to the Trustees for approval. A sewer permit must be obtained prior to issuing a building permit for the proposed construction. All final plans and written evidence of all approvals required must be filed with the Scarborough Sanitary District.
- E. The construction of any building sewers, sewers, sewage works, or sewage treatment plans shall be complete and inspected within twelve (12) months from the date of issuance of a permit hereunder unless for good cause shown, the time for completion is extended by vote of the Trustees. If the construction has not been condemned within six (6) months from the date of issuance of a permit, then the permit shall be voided by the Scarborough Sanitary District and the owner so notified. The owner must file a new application to obtain a new permit for the proposed construction.
- F. All persons to whom permits have been allocated or issued shall pay to the Treasurer of the Scarborough Sanitary District such rates, tolls, rents and all lawful charges as may be established by the Trustees in accordance with the payment schedule established by the Trustees.
- G. All persons to whom permits have been allocated or issued shall notify the District a minimum of twenty-four (24) hours in advance of starting the construction of the building sewer. The connection to the public sewer shall be made under the supervision of the Superintendent of his designee.
- H. All costs and expenses incidental to the installation and connection of the building sewer or the extension of a public sewer main in order to provide serve shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may

directly or indirectly be occasioned by the installation of the building sewer or the extension of a public sewer main.

- I. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
- J. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of these Regulations.
- K. All users shall show on plans and profile submitted to the Scarborough Sanitary District the location of structure, sill and sub-floor elevation, location where sanitary sewer enters the building, and the elevation where the connection is to be made into the lateral.
- L. Building sewers shall be subject to the approval of the District. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District and DEP rules. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.
- M. Backflow preventers shall be required in accordance with the Maine State Plumbing Code. This rule shall not be construed to impose liability on the District from damage caused by a malfunction of the sewage works.
- N. During construction of a new sanitary sewer, the District may construct the service connections for existing buildings to the curb or the property line or the edge of a right-of-way. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the District, its officers, and agents from all loss or damage that may result, directly or indirectly, due to the construction of a building sewer on his premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance, and of reconstruction, if needed of the building sewer and service connection.
- O. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.

- P. No person(s) shall make connection of roof downspouts, sump pumps, basement drains, interior or exterior foundation drains, area-way drains, or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- Q. No person shall obstruct the free flow of air through any drain or soil pipe.
- R. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the District, or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. FD-5. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
1. Building sewers shall be at least 4 inches in diameter and shall be sloped at least 1/4-inch per foot. The slope of a six-inch sewer service shall be at least 1/8 inch per foot. Larger diameter building sewers shall be used when and as the size of the structure, number and kinds of fixtures to be drained, and other conditions may make it necessary to provide for adequate and proper flow.
 2. Building sewers shall have a minimum of 5-feet of pipe cover or 4 feet with 2 inches of rigid insulation to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with proper fittings, cleanouts, or manholes required by the Superintendent. Cleanouts shall be provided at a maximum spacing of 75-feet on straight runs.
 3. The connection of the building sewer into the public sewer shall be made at the curb fitting, if provided, or the "Y" branch, if such branch is available at a suitable location. On direction of the Superintendent, where no "Y" branch is available, a neat hole may be cut, by machine, into the public sewer to receive the building sewer, with entry in degrees with an approved saddle or clamp-type fitting. Such connection shall be made completely watertight at the location specified by the Superintendent and under the supervision and in the presence of the Inspector ("District's agent"), and as directed by and to the satisfaction of the Inspector.
 4. When any building or other structure previously served by a connection to any public sewer is demolished, destroyed, abandoned, or altered so that any portion of the plumbing system which is directly or indirectly connected to the public sewer is no longer used, the open end of such service shall be promptly closed and sealed to the satisfaction of the Superintendent, so that no water or wastes not otherwise permitted to enter the public sewer shall be discharged thereinto. The Superintendent shall be notified of such abandonment or discontinuance and of the closing and sealing of the service, and shall be afforded the opportunity to see such work performed.

- S. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 48 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.
- T. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.
- U. No building sewer shall be covered until it has been inspected and approved by the Superintendent. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.
- V. The Superintendent shall maintain a record of all connections made to public sewers and drains under these Regulations and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the District or intended to so discharge. All persons concerned shall assist the Superintendent in securing the data needed for such records.
- W. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District at the expense of the owner.

2.3 Public Sewer Extensions

- A. Public sewer extensions may be constructed by the District under public contract if in the opinion of the Trustees, the extension is in the best interest of the District. The following are considerations:
- whether there are areas in which there is a high incidence of septic system failure which is adjacent to the existing sewer;
 - whether there are areas in which there is a high incidence of septic system failure resulting in risk to ground water or runoff contamination, even if not adjacent to the existing sewer;
 - whether there are areas in which the cost of the extension is being paid by the developer, or other economic factors make it advantageous for the District to add an extension desirable for other reasons as well;
 - whether there are areas shown on the District's Master Plan which have not yet been built;
 - whether there are areas in which there is currently a high density of development which is adjacent to the existing sewer;
 - whether there are areas designated on the Town of Scarborough Comprehensive Plan as high-density development areas;

- whether there are areas where the majority of the property owners affected request or agree to the extension;
 - whether there is available capacity to accommodate an expansion;
 - whether there is a funding available for the project;
 - or other factors considered by the District
- B. Property owners may propose such sewer extension within the District by drafting written petition signed by a majority of the benefiting property owners and filing it with the Trustees. The cost of such extensions may be assessed to the benefited property owners in accordance with the provision of Title 38, Section 1203 of the Maine Revised Statutes as amended. Under this agreement the property owner shall pay for and install the building sewer from the public sewer to their residence or place of business in accordance with the requirements of these Regulations and the Districts Sewer Standards.
- C. If the District does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension if such extension is approved by the Trustees in accordance with these Regulations. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developers or property owners. Each building sewer must be installed and inspected as previously required and inspection fees shall be paid therefor.
- D. Design of sewers shall be as required by the District *Sewer Standards* and these Regulations.
- E. Prior to beginning construction, an application for an inspection permit must be filed with the District. An inspection fee in the amount identified in the District's Schedule of Rates shall be paid to the Scarborough Sanitary District at the time the application is filed. The installation of the sewer extension shall be subject to periodic inspection by the District. The Superintendent's decision shall be final in matters of quality and methods of construction. Before it may be used, the sewer construction must pass the testing requirements identified in the District *Sewer Standards*.
- F. All extensions to the sanitary sewer shall be properly designed by a Registered Professional Engineer of the State of Maine in accordance with TR-16-*Guides for the Design of Wastewater Treatment Works*. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the District before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.
- G. All extensions of the public sewers within town right-of-ways furnished to the District, that have been constructed and tested at the expense of the property owner, builder, or developer, after approval of such test by the Superintendent and acceptance by the District, shall become the property of the District which shall thereafter maintain them. Said sewers after their acceptance by the District, shall be guaranteed against defects in materials and workmanship for twelve (12) months, the guarantee being in the form

stipulated by the District. At the sole discretion of the District, a completion bond or certified check may be required as part of the guarantee.

- H. When in the judgement of the District it is determined to be in the District's interest to require engineering and/or technical review of any proposal to extend sewers or to discharge wastewater to the District's sewers, the person, firm, or corporation that necessitates that review shall pay all of the costs incurred by the District. The Superintendent, with the approval of the Trustees, shall select the consultant(s) to be retained by the District. Review costs will be based upon contract prices for required services and hourly rates for in house staff review. Charges shall be paid in advance based upon estimated costs. Unused charges will be returned at the completion of the work. In the event that actual charges exceed estimated costs, the District shall advise the applicant as soon as possible, and the applicant shall pay the additional funds or request the evaluation be terminated, thereby withdrawing their proposal.

2.4 Privately Funded Sewer Extensions

- A. The District, acting through it's Board of Trustees, may approve a privately funded sewer extension to serve one or more existing dwellings if found to be necessary to protect the public health, safety and welfare and in the best interests of the District and upon such terms and conditions, including but not limited to those set forth in the Amendment, that the District deems to be fair and equitable.
- B. All costs of a privately funded sewer extension, including any required fees identified in the District's Schedule of Rates shall be borne by the applicant for the extension.
- C. Privately funded sewer extensions shall be made in an existing municipally accepted public way and shall be to serve existing dwellings. The District may approve a sewer extension across private property provided that adequate easements are obtained. The applicant shall be responsible for providing the District with such easements as the District deems necessary.
- D. All sewer facilities and equipment constructed or installed in connection with the privately funded sewer extension (exclusive of building sewers and/or individual lift stations) together with any necessary easements, shall be conveyed or otherwise transferred to the District.
- E. The District may approve the connection of additional users to the privately funded sewer extension.

2.5 Sewer Extension Procedure

- A. When an extension to the District's Sewer System is proposed by a private applicant, the following procedure shall be followed:
1. The Applicant shall submit a sewer extension permit application to the District with **X** sets of project plans accompanied by a cover letter with a project description and proposed sewer improvements. The project description shall include, but not be limited to: the estimated number of known and/or potential users, the estimated wastewater flow for

known and/or potential use, the proposed sewer improvements and location of proposed connection to the District's sewer collection system.

2. When application is first made to the District, notice of the application, with a copy of the description, shall be sent to the Planning Board and the Board of Selectmen.
3. The plans for the extension shall be submitted for review and approval by an engineering consultant selected by the District. The cost of this engineering review shall be paid by the applicant. The estimated cost shall be deposited with the District prior to the review.
4. After the completion of the engineering review and all comments have been addressed by the applicant, the Superintendent shall schedule a public hearing on the application, which hearing may be part of a regular or special meeting of the Trustees.
5. At the hearing, the Trustees shall receive testimony exhibits, and any other evidence, facts or opinions that the Applicant wishes to present. Abutters, potential users, members or representatives of municipal or state boards and other members of the public shall be afforded the opportunity to participate.
6. After the Applicant and others have been heard, the Chairman shall close the public hearing. The Board shall then deliberate on the application. All deliberation and action upon such applications shall be conducted in open, public meetings.
7. The public hearing shall be continued to a later date only upon good cause shown. The Board may, upon motion and majority vote, continue the deliberation to a later meeting if more information is needed or for other good cause. If the hearing, the deliberation, any part of the deliberation or the final decision is continued to a later date, then the time, date and place of any such continued proceedings shall be determined as part of the public meeting for which the notice was given, or at any continuation of such noticed hearing, and any such arrangement shall be announced and made part of the record of the proceedings. Upon such proper notice during the hearing or deliberations, it shall not be necessary to give further notice of the continued proceedings. At the request of the Board, and within the discretion of the Chairman, the Public Hearing may be re-opened for the receipt of additional testimony or other information only after further notice as specified above.
8. After deliberation, the Board shall decide whether to approve the proposed extension. Within ten days of a final decision, the Superintendent shall give written notification to the Applicant of the decision of the Board of Trustees. If the application is denied, the notification shall include the reasons for the denial. If the application is conditionally approved, the notification shall state with specificity any time limitations and conditions that must be met for approval to become final. Upon the completion of any such conditions, applicant shall provide written certification to the Superintendent that the conditions have been met. The approval becomes final upon the acceptance by the Board of such certification of completion.

2.6 Prohibited Discharge Standards

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

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that 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 federal, 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. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than 5.5 or greater than 9.5, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that the pH of the influent to the POTW is caused to exceed 8.0;
 3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW resulting in interference;
 4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed any national categorical pretreatment standard or cause pass through;
 5. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104°F (40°C);
 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in

- amounts that will cause interference or pass-through;
7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 4.9 of these Regulations; and
 9. Medical wastes—except as specifically authorized in a discharge permit;
 10. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test;
 11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid;
 12. Any hazardous waste listed or designated by DEP.
 13. Wastewater that imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent, thereby violating the District's MEPDES permit;
 14. Noxious or malodorous liquids, gases, solids, or other wastewater that, 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;
 15. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;
 16. Storm water, surface water, sump pumps, basement drains, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;
 17. Sludges, screenings, or other residues from the pretreatment of industrial wastes unless specifically authorized by the Superintendent in a wastewater discharge permit;
 18. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
 19. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;

20. Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);
21. Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Section 1.4 of these Regulations;
22. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or
23. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2.7 Federal Categorical Pretreatment Standards

The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

DEP shall be the Control Authority for industrial users subject to categorical pretreatment standards. As the Control Authority, industrial users are responsible to the DEP for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall provide the District with copies of any reports to, or correspondence with DEP relative to compliance with the categorical pretreatment standards.

The industrial user is responsible for determining the applicability of categorical pretreatment standards. The user may request that DEP provide written certification on whether the user is subject to the requirements of a particular category.

Upon promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under these Regulations for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under these Regulations.

2.8 Local Discharge Restrictions

All persons discharging industrial process wastes into public or private sewers connected to the District's POTW shall comply with applicable federal requirements and State standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of these Regulations.

Local numerical discharge limitations may be established by the District in the future (referred to as "local limits"). All State pretreatment standards and federal categorical pretreatment standards shall also apply to all industrial process waste discharges, whichever is most stringent.

In developing the list of pollutants of concern for which local limits may be established, the District will consider the allowable headworks loading at the wastewater treatment facility. Pollutants that exceed fifty percent (50%) of their allowable headworks loading at the wastewater treatment facility will be considered to be of concern, and will result in the development of local limits for those pollutants.

Pollutants that exceed twenty percent (20%) of their allowable headworks loading at the wastewater treatment facility may be targeted for mandatory pollution prevention action. The District may consider reducing associated sewer use rates for those users implementing effective pollution prevention techniques with respect to pollutants on either the "local limits" or "pollution prevention action" lists.

If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established or that may be established in Sections 2.6, 2.7, and 2.8 of these Regulations, which in the judgment of the Superintendent may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Superintendent may:

- Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;
- Require pretreatment prior to discharge to the POTW (Section 3.0);
- Require control (e.g., equalization) over the quantities and rates of discharge; and/or
- Require payment to cover additional cost of handling and treating the wastes.

If the Superintendent allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Superintendent and DEP (see Section 3).

2.9 District's Right of Revision

The discharge standards and requirements set forth in Sections 2.6, 2.7, and 2.8 are or will be established for the purpose of preventing discharges to the POTW that would harm the sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Superintendent may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.6, 2.7, and 2.8 if, in the Superintendent's opinion, such more stringent standards or requirements are necessary. At a minimum, this review will be performed at least once every five years. In forming this opinion,

the Superintendent may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Superintendent.

The Superintendent shall allow affected industrial users reasonable time to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

2.10 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.

2.11 Mass-Based Limitations

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in its discharge even though the total mass of the pollutant discharged does not increase, and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the POTW, and will be at the discretion of the Superintendent. Implementation of mass-based limitations may not contravene any requirements of federal or State laws and/or regulations implemented thereunder, and may not waive applicable categorical pretreatment standards.

2.12 Authorized Persons Only to Construct and Repair Sewers and Drains

- A. To insure compliance with these Regulations and to facilitate the supervision of the construction, operation, and repair of sewers and drains and the keeping of record thereof, no person other than those described herein, shall construct, repair, alter or remove and sewer, building sewer or drain connected to or with, or discharging directly or indirectly to or into, any public sewer of the District or intended to discharge thus, at some future time, regardless of whether said work is located in a public street or private land.
- B. No person, other than those working for and under the direction of the District shall make

any excavation for or construct, install, lay, repair, alter or remove and sewer, drain, sewer connection, or appurtenance thereof, within the District, which is in any way connected to or discharges directly or indirectly to or into any public sewer drain of the District, or is intended at some future time to be so connected or to so discharge, until said person shall have applied for and secured from the Superintendent a permit for doing such work. Such permits may be issued only to those qualified to perform such work as provided herein.

- C. The following may, as indicated, construct, repair, alter or remove public sewers and drains, except building sewers, subject to supervision and approval by the Superintendent:
1. Regular forces of a contractor employed by the District operating under orders of the Superintendent and in the performance of work for the District.
 2. Regular forces of **Maine Water** or the Maine Department of Public Works and Highways operating under and subject to permit for the particular job to be issued by the Superintendent, and while engaged in the regular operation of the **Water Company** or the Department of Public Works and Highways.
 3. Regular forces of any public utility corporation authorized by State law to construct, maintain and operate piped or ducts within public highways within the District, while engaged in work incidental to the regular structures of said utility company and operating under and subject to the condition so the permit for the particular job issued by the Superintendent.
 4. Any contractor or person who shall have been duly licensed by the District to perform work of the type in question during the periods provided in such license and when operating under and subject to the conditions of a permit for the particular job issued therefore by the Superintendent.
 5. Regular forces of the District operating under orders of the Superintendent and in the performance of work for the District.

Building sewers must be constructed by a licensed plumber.

- D. The limitations as to persons who may construct, alter or repair public sewers and drains, as provided in herein , shall not restrict the usual work of plumbers or others when operating in accordance with the plumbing and building codes of the State and Town, provided no plumber or other person shall make any connection to a public sewer of the District without a permit therefore, even if said sewer is located under immediately adjacent to any building or similar structure; and provided all drains and fixtures within said building or structure and all use made of them shall conform to the requirements of these Regulations as to what may and may not be permitted to be discharged into public sewers.
- E. Each contractor or person shall be responsible for the faithful performance of all work performed under the license or permits issued and for the conduct of all work and all materials furnished on work by his employees or agents. Each contractor or person shall indemnify and save harmless the District from any and all loss or damage occasioned by his or his agents acts, and he shall provide suitable liability insurance coverage, or proof

of same to the Trustees as they may require. No work shall be sublet by a contractor or person under any permit issued under such license in any manner to divest said contractor or person of full control and responsibility for all parts of said work. Only competent persons shall be employed on work performed under such license and only suitable material conforming to the standards established by the District shall be furnished or used on such work.

- F. Should the Superintendent find that any Contractor or person has failed to conform to the requirements of these Regulations and to the conditions of any permit issued thereunder, or that such contractor had not been faithful in the performance of work or furnishing of materials under his license, the Superintendent may suspend, cancel or revoke such license and/or permit, and may extend the suspension of such license and/or permit for such period, or limit the activities of such contractor or person for cause after a duly conducted hearing before the Trustees and upon their direction. Suspension, cancellation or termination of a permit shall not entitle the permittee to any compensation or reimbursement for the District or its agents for any alleged loss or expense incurred thereby, and licenses and permits shall be issued only on this condition.
- G. Every application for a building sewer permit shall be made in writing on forms to be provided by the Superintendent for that purpose and shall be signed by the licensed plumber, licensed drain layer, or property owner. The application shall state the location and ownership of the property to be served by the sewer or drain in question, the post office address of said property owner, a brief description of the work to be done, and shall contain an agreement that the permittee will do the work in accordance with the local laws, Regulations, regulation and permits of the District, Town, and State as those local laws may apply to the particular location or work, and will indemnify and save the District and Town and others harmless from damages, loss, or damage claims of every name and nature, all in such form and detail as may be directed the by the Superintendent on the form provided. The Superintendent, at his discretion, may require, as a prerequisite to the issuance of any permit, that he be furnished evidence (1) that any and all permissions and necessary permits to open public streets, public or private grounds or property have been or will be issued; (2) that the agent of the applicant is properly authorized to sign the application in question; (3) that the devices or provisions to prevent the entry into public sewers or drains of any substances forbidden entry by these Regulations will be provided, maintained and operated as required by these Regulations; (4) any other information or proof related to the particular job in question.
- H. Each permit to construct, alter or repair any sewer, building sewer, or drain under this section shall be issued only after an application as hereinbefore provided has been made. It shall state the limit of the time within which the work must be performed and at the expiration of which the privileges for construction under the permit shall terminate, unless such time limit shall have been extended in writing by the Superintendent. Permits shall not be transferable or assignable by the permittee.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with these Regulations and shall achieve compliance with all limits, prohibitions, and requirements set out in Sections 2.6, 2.7, and 2.8 of this

Regulations within the time limitations specified by the State or the Superintendent, whichever is more stringent. All facilities required to achieve and maintain 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 District under the provisions of these Regulations.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary to protect the POTW and determine the user's compliance with the requirements of these Regulations, 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 waste streams from industrial waste streams, and such other conditions as may be necessary.
- 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 Industrial Discharge Permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the judgement of the Superintendent, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Superintendent. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.
- E. Where pretreatment or flow equalizing facilities are provided or required for any waters

or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at his expense.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Superintendent shall evaluate whether each significant indirect discharger needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 6.6 of these Regulations; 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.

3.4 Pollution Prevention Plans

In accordance with the provisions of Sections 2.7 and 19.3 of these Regulations, the Superintendent may require any person discharging wastes into the POTW to develop and implement, at that person's own expense, a pollution prevention plan. The Superintendent may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.

- D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
1. Reduced raw material purchases;
 2. Avoidance of waste treatment, monitoring and disposal costs;
 3. Reductions in operations and maintenance expenses;
 4. Elimination of permitting fees and compliance costs; and
 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should be solicited and exchanged, both from inside the organization and out.
- F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.

The review and approval of such pollution prevention plans by the District shall in no way relieve the user from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the District in accordance with the provisions of these Regulations.

SECTION 4 - INDUSTRIAL DISCHARGE PERMIT APPLICATION

4.1 Wastewater Characterization

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Industrial Discharge Permit Requirement

- A. No significant indirect discharger shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Superintendent, except that a significant indirect discharger that has filed a timely and complete application pursuant to Section 4.4 of these Regulations may continue to discharge for the time period specified therein.
- B. The Superintendent may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of these Regulations.

- C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of these Regulations and shall subject the industrial discharge permittee to the enforcement actions set out in Sections 9 through 12 of these Regulations. Obtaining an Industrial 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.

4.3 Discharge Permit Request Requirement

All industrial users must receive DEP approval for any new industrial discharge, or any significant alteration in either flow or waste characteristics, in accordance with the District's MEPDES permit. Such approvals shall be obtained in accordance with Section 6.2 of these Regulations.

4.4 Industrial Discharge Permitting: Existing Connections

Any user required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of these Regulations, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Superintendent for an Industrial Discharge Permit in accordance with Section 4.7 of these Regulations, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of these Regulations except in accordance with an Industrial Discharge Permit issued by the Superintendent.

4.5 Industrial Discharge Permitting: New Connections

Any user required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW shall obtain an Industrial Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Industrial Discharge Permit, in accordance with Section 4.7 of these Regulations, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.6 Industrial Discharge Permitting: Categorical Standards

Within 120 days subsequent to the effective date of a categorical pretreatment standard, an industrial user subject to such standards shall submit an application for an Industrial Discharge Permit amendment. The application shall contain the information noted under Section 4.7.

4.7 Industrial Discharge Permit Application Contents

All users required to obtain an Industrial Discharge Permit, and other users subject to these rules, as required by the Superintendent, shall submit a permit application. The Superintendent shall require all users to submit as part of an application the following information where applicable, as a minimum:

- A. The name, street address, and mailing address of the indirect discharger;
- B. The name, position, and daytime telephone number of a responsible individual at the indirect discharger, such as a plant manager, plant engineer, president, or vice president of the company, who has certified the permit application;
- C. The “SIC” code and The North American Industry Classification System (“NAICS”) code of the indirect discharger, if available;
- D. Whether the indirect discharger is subject to national categorical standards, and if so, which standards;
- E. The estimated average, minimum, maximum and total daily flow for domestic discharges and each process discharge and the time and duration of those discharges;
- F. A schematic of the proposed treatment process;
- G. If applicable, plans, specifications, and operation and maintenance procedures for new or modified treatment facilities at the indirect discharger, stamped by a chemical, civil, sanitary, or environmental engineer registered in Maine;
- H. A schematic diagram showing the production process, including the origin of each waste stream;
- I. A list of pollutants expected to be present in the discharge and the anticipated quantity of each, based on:
 - (1) Analyses of the waste stream(s) to be discharged, in which case test results shall be submitted with the discharge permit request; or
 - (2) Knowledge of the process which produces the wastewater;
- J. Information on the toxicity and treatability of the pollutants proposed to be discharged, as available from manufacturer’s testing, safety, and data publications;
- K. A map showing the location within the municipality of the indirect discharger with respect to the POTW;
- L. A listing of all chemicals used at the indirect discharger that will be or could be discharged, such as production chemicals, degreasers, and cleaning solvents;
- M. A description and location diagram of all sampling locations at the indirect discharger;
- N. A brief narrative describing those measures taken or planned to reduce water usage and implement pollution prevention techniques, if any, such as:

- (1) Flow restricters;
 - (2) Countercurrent rinses;
 - (3) Recycling of non-contact cooling water;
 - (4) Chemical substitutions; and
 - (5) Pollutant source reduction; and
- O. A list of all environmental permits held by or for the indirect discharger.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

4.8 Signatories and Certification

All Industrial Discharge Permit applications and user reports shall be signed by an authorized representative of the user and shall contain the following certification statement:

“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.”

4.9 Hauled Wastewater Permits

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Transport and discharge of such waste shall comply with Section 13.0 of these Regulations.
- B. The Superintendent shall require generators of hauled industrial waste to obtain Industrial Discharge Permits. The Superintendent may require haulers of industrial waste to obtain Industrial Discharge Permits. The Superintendent may also prohibit the disposal of hauled industrial waste. All other requirements of these Regulations apply to the discharge of hauled industrial waste.
- C. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to

provide a waste analysis of any load prior to discharge.

- D. Industrial waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the wastes are not hazardous wastes.

SECTION 5 - INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Industrial Discharge Permit Decisions

The Superintendent will evaluate the data provided by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete Industrial Discharge Permit application [or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by DEP, the Superintendent will determine whether or not to issue an Industrial Discharge Permit. The Superintendent may deny any application for an Industrial Discharge Permit, with just cause.

5.2 Industrial Discharge Permit Duration

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five (5) years or three (3) years in the case of a significant indirect discharger from the effective date of the permit. An Industrial Discharge Permit may be issued for a period less than these intervals at the discretion of the Superintendent. Each Industrial Discharge Permit will indicate a specific date upon which it will expire.

Industrial Discharge Permits shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 5.6 of these Regulations. All Industrial Discharge Permits issued to a particular user are void upon the issuance of a new Industrial Discharge Permit to that user.

5.3 Industrial Discharge Permit Contents

An Industrial Discharge Permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Industrial Discharge Permits for significant industrial dischargers shall contain:
1. Indirect discharger name, street address, mailing address, and daytime telephone number;
 2. Dates of issuance and expiration;

3. The general and specific prohibitions from the sewer use Regulations which apply to the discharge;
4. A list of pollutants, allowable parameters, and discharge limits;
5. Identification of applicable EPA categorical standards;
6. A list of pollutant to be monitored and the monitoring requirements applicable thereto;
7. Sampling frequency, techniques, and locations;
8. Reporting requirements;
9. Inspection requirements;
10. Notification requirements, including for:
 - Slug loading;
 - Spills, bypasses, and upsets;
 - Changes in volume or characteristics of the discharge for which a permit revision is not required; and
 - Permit violations
11. Record keeping requirements;
12. Applicable definitions and special conditions from the sewer use Regulations;
13. Applicable civil and criminal penalties for violations;
14. Notification requirements prior to any new or increased discharge;
15. A requirement to submit a complete new application at a specified frequency, which shall be not less than once every five years; and a statement that indicates Industrial Discharge Permit duration, which in no event shall exceed five (5) years;
16. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the District in accordance with Section 5.6 of these Regulations, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;
17. For users with reporting requirements, such reports at a minimum shall require:
 - Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;

- A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, than what additional operation and maintenance practices and/or pretreatment systems are necessary; and
 - Submittal of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the permit.
18. A description of identified pollution prevention opportunities at the facility;
19. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the Industrial Discharge Permit.
- B. Industrial Discharge Permits may contain, but need not be limited to, the following conditions:
1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment; and
 7. Other conditions as deemed appropriate by the Superintendent to ensure compliance with these Regulations, and State and federal laws, rules, and regulations.

5.4 Industrial Discharge Permit Appeals

Any person, including the user, may petition the Superintendent to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appellant user must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.
- C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.
- D. If the Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- E. Aggrieved parties may appeal the conditions of the Industrial Discharge Permit in accordance with Section 15.2 of these Regulations.

5.5 Industrial Discharge Permit Modification

The Superintendent may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Industrial Discharge Permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the Industrial Discharge Permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
- G. To correct typographical or other errors in the Industrial Discharge Permit; or
- H. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.6 Industrial Discharge Permit Transfer

Industrial Discharge Permits may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the Superintendent, and the Superintendent approves the Industrial Discharge Permit transfer. The notice to the Superintendent shall include a written certification by the new owner or operator that:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing Industrial Discharge Permit.

Failure to provide advance notice of a transfer shall render the Industrial Discharge Permit void as of the date of facility transfer.

5.7 Industrial Discharge Permit Reissuance

A user with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with Section 4.7 of these Regulations, a minimum of sixty (60) days prior to the expiration of the user's existing Industrial Discharge Permit. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

- The industrial user has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user's existing permit; and
- The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the District shall enter into an inter-municipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph (A), above, the Superintendent shall request the following information from the contributing municipality:
 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and

3. Such other information as the Superintendent may deem necessary.
- C. An intermunicipal agreement, as required by paragraph (A), above, shall contain the following conditions:
1. A requirement for the contributing municipality to adopt a sewer use Regulations that is at least as stringent as these Regulations, and local limits that ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Regulations and local limits shall be revised as necessary to reflect changes made to the District's Regulations or revisions to the loadings allocated to the contributing municipality;
 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 3. A provision specifying which pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;
 4. A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 5. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 6. Requirements for monitoring the contributing municipality's discharge;
 7. A provision ensuring the Superintendent's access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
 8. A provision specifying remedies available for breach of the terms contained within the agreement.
- D. Intermunicipal agreements shall be subject to approval by DEP.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Periodic Compliance Reports

- A. All significant indirect dischargers shall, at a frequency determined by the Superintendent

but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 4.8 of these Regulations.

- B. 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 maintain its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Sections 6.11 and 6.12 of these Regulations, the results of this monitoring shall be included in the report.

6.2 Reports of Changed Conditions

Each industrial user shall notify the Superintendent of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) 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 submittal of an Industrial Discharge Permit application under Section 4.7 of these Regulations.
- B. Upon approval of the request by the District, a Discharge Request will be submitted by the District to DEP on behalf of the user. All applicable DEP review fees shall be provided by the user.
- C. Upon approval of the Discharge Request by DEP, the Superintendent may issue an Industrial Discharge Permit or modify an existing Industrial Discharge Permit under Section 5 of these Regulations in response to changed conditions or anticipated changed conditions.
- D. A DEP "Sewer Connection Permit" request is required for:
 - 1. Any proposed sewerage, whether public or private;
 - 2. Any proposed wastewater connection or other discharge in excess of 5,000 gallons per day; and
 - 3. Any proposed wastewater connection or other discharge to a wastewater treatment facility operating in excess of 80% design flow capacity.

6.3 Reports of Slug/ Potentially Adverse Discharges

- 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, or a slug load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to these Regulations.
- C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.

6.4 Reports from Unpermitted Users

All users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

6.5 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by a user indicate a violation, the user shall 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 subsequent to becoming aware of the violation. The user is not required to resample if the [Superintendent] monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

6.6 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 in 40 CFR Part 136, 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, sampling and analyses shall be performed in accordance with procedures approved by the District.

6.7 Sample Collection

- A. Except as indicated in Paragraph (B), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Superintendent when:
- The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
 - Sampling a facility where a statistical relationship can be established between previous grab samples and composite data; and
 - The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.
- B. Samples for temperature, pH, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

6.8 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report by the person designated in the Industrial Discharge Permit shall govern.

6.9 Record Keeping

Users subject to the reporting requirements of these Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Regulations and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining 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 five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the District, or where the user has been specifically notified of a longer retention period by the Superintendent. Before destroying the records, the industrial user shall request and receive permission from the District.

6.10 Pollution Prevention Reports

Permitted industrial users discharging pollutants on the "local limits" or "pollution prevention action" lists of Section 3.4 of these Regulations, at concentrations greater than background levels, shall report annually on pollution prevention activities undertaken to reduce or minimize the generation of wastes containing these pollutants. The District may publicize these efforts in the annual notification provided for in Section 9.

SECTION 7 - POWERS AND AUTHORITIES OF INSPECTORS

7.1 General

The Board of Trustees and duly authorized employees or agents of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, measurement, sampling and testing, and to enforce the provisions of these Regulations and other District regulations. Refer to Title 38, Section 1159 for additional information.

The Board of Trustees and duly authorized employees or agents of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of the POTW lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7.2 Compliance Monitoring

The District shall investigate instances of noncompliance with the industrial pretreatment standards and requirements.

The District shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing noncompliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurred for analysis of its wastewater.

7.3 Right of Entry: Inspection and Sampling

All industrial users discharging to the District's POTW shall allow unrestricted access by District, State and EPA personnel ("Inspector(s)") for the purpose of determining whether the user is complying with all requirements of these Regulations, and any Industrial Discharge Permit or order issued hereunder. Users shall allow the Inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. If a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector(s) will be

- permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Inspector(s) shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 - C. The Inspector(s) may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure accuracy.
 - D. 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 Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - E. Unreasonable delays in allowing the Inspector(s) access to the user's premises shall be a violation of these Regulations.
 - F. The Inspector(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of discharge to the public sewer. The industrial user may request that the information in question not be disclosed to the public in accordance with Section 8 of these Regulations. The information in question shall be made available upon written request to governmental agencies for uses related to these Regulations, the MEPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the user. However, information regarding wastewater discharge by the user (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.
 - G. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Inspector(s), and the District shall indemnify the user against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.
 - H. The Inspector(s) shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7.4 Search Warrants

If the District 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 these Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with these Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the Cumberland County District Court.

SECTION 8 - CONFIDENTIAL INFORMATION/PUBLIC PARTICIPATION

8.1 Confidential Information

Information and data on a user obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the MEPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

8.2 Public Participation

The District shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements.

SECTION 9 - ADMINISTRATIVE ENFORCEMENT REMEDIES

9.1 Notification of Violation

When the Superintendent determines that a user has violated, or continues to violate, any provision of these Regulations, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve a verbal or written Notice of Violation to the user. Within the time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submittal of this plan in no way relieves the user of liability for any violations occurring before or subsequent to receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without initially issuing a Notice of Violation.

9.2 Compliance Schedule Development

The Superintendent may require any user that has violated or continues to violate any provision of these Regulations, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section shall comply with the following conditions:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

9.3 Pollution Prevention Plan Development

The Superintendent may require any user that has violated or continues to violate any provision of these Regulations, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a pollution prevention plan. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Superintendent no later than sixty (60) days after the user was notified of this requirement.

9.4 Publication of Users in Significant Noncompliance

The Superintendent may publish annually, in the largest daily newspaper circulated in the Town where the POTW is located, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

9.5 Show Cause Orders

The Superintendent may order a user that has violated, or continues to violate, any provision of these Regulations, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

9.6 Cease and Desist Orders

When the Superintendent determines that a user has violated, or continues to violate, any provision of these Regulations, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Implement such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

9.7 Consent Orders

The Superintendent is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as administrative orders issued pursuant to Sections 9.5 and 9.6 of these Regulations and shall be judicially enforceable.

9.8 Industrial Discharge Permit Termination

Any industrial user who violates the following conditions of these Regulations or a wastewater discharge permit or order, or any applicable State or federal law, is subject to permit termination:

- A. Violation of permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater constituents and characteristics; or
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 9.5 of these Regulations why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

9.9 Termination of Discharge

In addition to the provisions in Section 9.8 of these Regulations, any user who violates the following conditions is subject to discharge termination:

- A. Violation of Industrial Discharge Permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of these Regulations.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 9.5 of these Regulations why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

9.10 Emergency Suspensions

The Superintendent may immediately suspend a user's discharge, subsequent to informal notice to the user, whenever such suspension is necessary to terminate an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of POTW personnel or the public. The Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with

the operation of the POTW, or that presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply with the suspension order, the Superintendent may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 9.8 or 9.9 of these Regulations are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 9.5, 9.8 or 9.9 of these Regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

9.11 Recovery of Expenses

Any person or industrial user violating any of the provisions of these Regulations shall be liable to the District for any expense, loss, or damage occasioned the District by reason of such violation. If the Superintendent or District shall have caused the disconnection of a drain from a public sewer, the District may collect the expenses associated with completing the disconnection from any person or user responsible for, or willfully concerned in, or who profited by such violation. The District may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation until the claim of the District for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the District in connection therewith.

9.12 Harm To District Property

No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to the provisions and penalties under Section 1161 of the Maine Sanitary District Enabling Act.

SECTION 10 - JUDICIAL ENFORCEMENT REMEDIES

10.1 Injunctive Relief

When the District determines that a user has violated, or continues to violate, any provision of these Regulations, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the District may petition the Cumberland County Superior Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific performance of the Industrial Discharge Permit, order, or other requirement imposed by these Regulations on activities of the user. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user.

10.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of these Regulations, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the District for a maximum civil penalty of \$1,000 per violation, per day, plus actual damages incurred by the POTW. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District. The District shall petition the Court to impose, assess, and recover such sums.
- C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against a user.

10.3 Criminal Prosecution

Any person or industrial user who willfully or negligently violates any provision of these Regulations or any orders or permits issued hereunder shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed \$10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation.

10.4 Nonexclusive Remedies

The remedies provided for in these Regulations are not exclusive. The District may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District may pursue other action against any user without limitation, including *ex parte* temporary judicial relief to prevent a violation of these Regulations. Further, the District is empowered to pursue more than one enforcement action against any non-compliant user.

SECTION 11 - SUPPLEMENTAL ENFORCEMENT ACTION

11.1 Performance Bonds

The Superintendent may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of these Regulations, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

11.2 Liability Insurance

The Superintendent may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of these Regulations, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

11.3 Water Supply Severance

Whenever a user has violated or continues to violate any provision of these Regulations, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be requested to be severed. Service will only recommence, at the user's expense, subsequent to satisfactory demonstration of its ability to comply.

11.4 Public Nuisances

A violation of any provision of these Regulations, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person(s) creating a public nuisance (including odors as result of establishment or industry) shall be subject to the provisions of the District's regulations governing such nuisances, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

11.5 Contractor Listing

Users that have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods or services to the District held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Superintendent.

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Upset

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who intends to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and the user can identify the cause(s) of the upset;
 2. At the time being of the upset, the facility was operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - a. A description of the discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the amount of time the noncompliance is expected to continue; and
 - c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- F. Users shall control all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.3(A) of these Regulations or the specific prohibitions in Sections 2.3(B) of these Regulations if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the District was regularly in compliance with its MEPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

12.3 Bypass

- A. For the purposes of this section,
 - 1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

- C. 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.
- 2. A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the amount of time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. 1. Bypass is prohibited, and the Superintendent may initiate enforcement action against a user for a bypass, unless:
 - a. Bypass was required to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under paragraph (C) of this section.
- 2. The Superintendent may approve an anticipated bypass, subsequent to considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 13 - SEPTAGE DISPOSAL

- A. No person shall discharge hauled septage at the District's wastewater POTW who does not hold a septage hauler permit issued pursuant to DEP requirements.
- B. A copy of such permit shall be filed by the permit holder with the District. Upon renewal or revocation of such permit, the hauler shall be responsible for notification of such renewal or revocation to the District.

- C. The Superintendent may limit the quantities of septage that can be received or refuse to receive septage to ensure proper operation of the treatment facility.

13.1 Septage Hauler Requirements

- A. No person or company shall discharge septic tank pumpage into the District's facilities until a permit has been obtained from the District in accordance with these Regulations.
- B. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic, poisonous, radioactive solids, liquids or gases, or the contents of grease, gas, oil and/or sand interceptors into the District's wastewater treatment facility without specific authorization of the Superintendent.

13.2 Septage Permits

- A. Any septage hauler who intends to dispose of septage within the limits of the District shall first obtain a permit therefor from the District. A separate permit must be obtained for each vehicle which will be used to discharge into the system. Permits cannot be transferred to another vehicle.
- B. Such permit as issued by the District shall identify:
1. The motor vehicle;
 2. The capacity of the tank;
 3. The DEP Permit Number; and
 4. Any other details of compliance with DEP rules.
- C. The following conditions shall constitute conditions precedent to the issuance of each permit by the District:
1. Permits will not be issued until all fees outlined in the District Schedule or Rates are paid.
 2. Each applicant is required to execute and deposit a surety bond with the District in the amount required in the District's Schedule of Rates. This bond shall provide reimbursement to the Scarborough Sanitary District for any work required for the elimination of any unsanitary conditions caused by the permittee on the facilities of the District or for repair of facilities of the District damaged by the permittee. Such bond shall be received by the District or for repair of facilities of the District damaged by the permittee. Such bond shall be received by the District before a permit will be issued.
 3. Permits will be issued on an annual basis. Permits may be renewed at no

additional charge if the renewal is applied for prior to the beginning of each calendar year. An updated surety bond covering the year for which the permit is being renewed must accompany a renewal request.

4. Any permit issued in accordance with these Regulations will be subject to revocation by the District on the basis of failure to pay proper charges, use of other authorized disposal sites, failure to meet sanitary standards, discharging or industrial discharge or other unacceptable waste into the system or for any other infraction of these Regulations.
5. Each septic tank truck shall be equipped with either a sight level by which the quantity of the contents of each tank may be ascertained by sight or an access port through which the quantity of the contents of each truck may be ascertained by depth measurements.
6. Every tank truck whose contents shall be discharged into the treatment system shall be equipped with a discharge system that will ensure the clean and complete discharge of such contents into the designated area provided by the District.
7. Because the septage handling capacity of the POTW is limited, all haulers must schedule discharges at least one day, but no more than three (3) days in advance. Deliveries can be scheduled by calling the Chief Operator. Failure to schedule in advance may cause refusal to discharge.
8. No person shall discharge into the treatment system contents from private vaults, cesspools, or septic tanks located outside the Town of Scarborough. This provision shall not pertain to transient trailers.
9. Such contents shall be discharged into the treatment system only during normal working hours and only at such points designated by the District.
10. Such contents shall not contain any articles of substances which may tend to injure any part of the treatment system.
11. Prior to discharging the load the hauler must notify a member of the POTW operations crew at the District administration building.
12. Prior to discharging the load, the hauler shall record the following information in a log at the POTW:
 - a. The hauler's name;
 - b. Date;
 - c. Time of disposal;
 - d. Volume disposed;
 - e. Origin of load (property owner's name, address, and telephone number); and
 - f. Nature of the waste (i.e., grease or septage) being disposed.

- g. Certification that the form is correct and that waste contains no suspected toxic substances.
- 13. The Septage hauler log shall be located in the office of the Superintendent.
- 14. The District maintains the right to sample the contents or measure the amount of any load prior to discharge to the plant; also the District reserves the right to confirm by telephone the source of the load. If there is a question as to whether a load is septage or holding tank waste, the following test will determine the results.
 - a. A sample will be taken and allowed to settle for one-half hour. If the sample contains 200 ml or more of solids per liter of sample, the load will be considered to be septage.

13.3 Septage Disposal Charge

There shall be a Septage Disposal Charge as established by the District for the receipt of septage into the District's POTW for treatment. In the event that the permittee has either a defective sight level, no sight level attached to the track, and/or no access to the contents of the truck for depth measurement, the permittee shall be charged according to the full tank capacity at the time of discharge or by other method determined by the Superintendent.

SECTION 14 - VALIDITY

- A. All Regulations or parts of Regulations in conflict herewith are hereby repealed.
- B. The validity of any section, clause, sentence, or provision of these Regulations shall not affect the validity of any other part of these Regulations that can be given effect without such invalid part or parts.

SECTION 15 - INTERPRETATION OF REQUIREMENTS

15.1 Interpretation

The provisions of these Regulations with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted and administered by the Superintendent acting in and for the District through the Trustees.

15.2 Appeals

Any party aggrieved by any decision, regulation or provision under these Regulations, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said decision to the Trustees, who shall issue a decision within thirty (30) calendar days. If said appeal

is denied by the Trustees, then the aggrieved party shall have the right to appeal to the Cumberland County Superior Court for relief, provided that said appeal is entered within thirty (30) calendar days from receipt of the decision of the Trustees.

SECTION 16 - EFFECTIVE DATE

These Regulations shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Duly enacted and ordained this _____ day of _____ 2020 by the Board of Trustees of the Scarborough Sanitary District of Scarborough in Cumberland County, State of Maine, at a duly noticed and duly held session of the said Trustees.