

TOWN OF LUNENBURG



SEWER USE REGULATIONS

LUNENBURG SEWER COMMISSION

520 CHASE ROAD, LUNENBURG, MA

ORIGINALLY ORDAINED AND ENACTED AT THE MAY 7, 2005 ATM

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TOWN OF LUNENBURG

SEWER COMMISSION

AMENDED AND RESTATED SEWER USE REGULATIONS
June 2021

In 2005, the Town of Lunenburg, acting through its Sewer Commission and by vote of the May 7, 2005 Annual Town Meeting, in accordance with G.L. c. 83, §10, promulgated the Town of Lunenburg's Sewer use Regulations ("Regulations") governing the use of public sewers and drains, wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and, providing penalties for violations thereof.

Because the Town of Lunenburg's sewer collection ultimately flows to the wastewater facilities in either Fitchburg or Leominster, these Regulations were promulgated in accordance with the provisions of The Code of the City of Fitchburg – Chapter 147 – Sewers and The Leominster Municipal Code – Chapter 21 – Water and Sewers, which Chapters are incorporated herein by reference and attached by appendix, with additional provisions and terms set forth below and herein.

In the event that any provision of these Regulations is deemed to be ambiguous or subject to interpretation, it is the intent of the Sewer Commission that such provision shall be interpreted to be no less strict than that of the corresponding provision in Chapter 147 of the City of Fitchburg Code or Chapter 21 of the City of Leominster Code.

In accordance with the Inter-Municipal Agreements ("IMA") for Wastewater Collection, Treatment and Disposal between the City of Fitchburg and the Town of Lunenburg and the City of Leominster and the Town of Lunenburg, the Town's Sewer Commission is hereby designated as the Town's agent to enforce these Regulations.

The Town of Lunenburg, acting through its Sewer Commission and upon approval of this Amendment, shall hereby revise said rules and regulations for the purpose of making the language consistent with current best practices as well as state and federal requirements and formally incorporating amendments, policies, and other regulations adopted since the Regulations were ordained and enacted in 2005. All related actions taken by the Sewer Commission subsequent to the approval of this Amendment shall be based upon the provisions of the amended Regulations and shall be pursuant to the provisions of G.L. c. 83, §10.

THEREFORE, said "Town of Lunenburg, Sewer Use Regulations" is hereby amended and restated, as follows:

Article I
General Provisions

I-1 Purpose and Policy

- A. These Regulations sets forth uniform requirements for all contributors into the wastewater collection and treatment system for the Town of Lunenburg and enables the Town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).**
- B. The objectives of this regulation are to:**
 - (1) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the regulation of the system or contaminate the resulting sludge.**
 - (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system.**
 - (3) Improve the opportunity to recycle and reclaim wastewater and sludge from the system.**
 - (4) Provide for equitable distribution of the cost of the municipal wastewater system.**
 - (5) Protect both wastewater system personnel who may be affected by wastewater and sludge in the course of their employment and also protect the general health and safety of the public and the environment.**
 - (6) Enable the Town of Lunenburg to comply with its National Pollutant Discharge Elimination System permit conditions, laws and regulations concerning sludge use and disposal requirements and any other federal or state laws to which the municipal wastewater system is subject.**
- C. These Regulations provides for the regulation of contributors to the municipal wastewater system through the issuance of discharge documents (previously negotiated agreements and permits to certain nondomestic users) and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs set by the Town of Lunenburg resulting from the program established herein.**

I-2 Definitions

- A. Unless the context specifically indicates otherwise, the meaning of terms used in these Regulations shall be as follows:**

ACT or THE ACT - The Federal Water Pollution Control Act, also known as the "Clean Water Act", as amended, 33 U.S.C. ss 1251 et seq.

AGENT- Town of Lunenburg Sewer Commission, unless otherwise specified

APPLICANT - Any person requesting approval to discharge wastewater into the municipal facilities or a new connection to the wastewater works.

APPROVAL AUTHORITY: The Region 1 Administrator of the U.S. Environmental Protection Agency or his authorized representative.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER:

- (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Pretreatment Coordinator.

AVAILABLE CAPACITY - Available Capacity is flow that is available via inter-municipal agreement or other sources that has not been previously allocated by the Sewer Commission.

BEST MANAGEMENT PRACTICES - Methods or techniques found to be the most effective and practical means in achieving an objective (such as preventing or minimizing pollution) while making the optimum use of the user's resources.

BOD (denoting “biochemical oxygen demand”) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 10 feet outside the inner face of the building wall.

BUILDING SEWER: The pipe which connects to a building drain conveying waste from plumbing fixtures within a building to a City sanitary or combined sewer, a private sanitary or combined sewer, or other place of disposal. The building sewer begins 10-feet outside the inner face of the building foundation wall and extends to and includes the connection to the City or private wastewater systems

CATEGORICAL INDUSTRIAL USER: An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which apply to a specific category of Users and which existed on the effective date of these Regulations and codified at 40 CFR, Chapter 1, Subchapter N, Parts 405 - 471, as the same may from time to time be amended.

CITY – Either the City of Fitchburg, its Wastewater Commission or the City of Leominster, Massachusetts, its Department of Public Works or their duly authorized agents as determined by which City is the receiving POTW for flows.

COD - Chemical Oxygen Demand. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

COMBINED SEWER - A sewer receiving both wastewater and surface runoff.

COMMISSION - The Lunenburg Sewer Commission or their duly appointed agents or representatives, unless otherwise specified.

COMMISSIONER - Shall mean the same as Commission.

COMPATIBLE POLLUTANTS - Wastewater constituents for which the POTW was designed or is operated to adequately treat.

COMPOSITE SAMPLE: A sample which represents many aliquots taken throughout an extended time period, typically 24 hours.

COOLING WATER or NON-CONTACT COOLING WATER - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

DAILY MAXIMUM: The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM LIMIT: The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum

Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

DEP – The Department of Environmental Protection

DEPARTMENT – Lunenburg Department of Public Works (DPW) , its Director or their duly appointed agent..

DISCHARGE DOCUMENT - Previously negotiated agreements and permits to certain nondomestic users

DOMESTIC WASTEWATER - The wastewater principally from dwellings, business buildings, institutions and the like. It may or may not contain groundwater, surface water, stormwater or process or wash water from industrial enterprises. The term does not include process wastewater from industrial users.

ENGINEER – A person registered as a Professional Engineer in good standing with the Massachusetts State Board of Registration for Professional Engineers and Land Surveyors.

ENVIRONMENTAL PROTECTION AGENCY or “EPA” - The U. S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

EXCESSIVE - Amounts or concentrations of a constituent of a wastewater which in the judgment of the Commission and/or City will cause damage to any Town or City facility; will be harmful to a wastewater treatment process; cannot be removed in the City treatment works to the degree required to meet the limiting stream classification standards of the Nashua River and/or EPA and state effluent standards; can otherwise endanger life, limb or public property; or can constitute a nuisance.

EXISTING SOURCE - Any source of discharge that is not a “New Source.”

EXTENSION - Any sewer line lengthening required to connect a sewer service to a large main or sewer lateral to an outfall sewer or major trunk sewer.

FACILITIES - Includes structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposal of domestic wastewater and/or industrial or such other wastewaters as are disposed of by means of such structures and conduits, including treatment and disposal works necessary intercepting, outfall and outlet sewers and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

FLOATABLE OIL: Oil, fat, or grease of animal or vegetable origin, or petroleum-derived oil or grease in a physical state such that it will separate by gravity from waste by treatment in an approved pretreatment facility.

FOG (FATS, WAX, OILS, and GREASE): The discharge from a food-handling, food-production or food-packaging establishment of fats, wax, oils, and grease into the Town’s wastewater system, and which shall be authorized only pursuant to a validly issued Board of Health permit. Such food establishments shall include commercial/industrial establishments or other establishments deemed appropriate by the DPW that include as a part of their operations the handling, preparation and/or distribution of food.

GPD - Gallons Per Day

GARBAGE - The animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.

GRAB SAMPLE - A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period time not to exceed (15) minutes.

HOLDING TANK WASTE - Any waste from holding tanks, such as vessels, chemical toilets, campers, trailer, septic tanks and vacuum-pump tank trucks.

ILLEGAL CONNECTION – any sewer pipeline running laterally from a street sewer, an off-street sewer or a trunk sewer to an individual tract, lot or parcel of land to serve one (1) or more houses or other buildings, whether or not connected to any house or building, that was installed without proper permitting.

IMPROPER DISCHARGE – Any inflow of stormwater or groundwater which enters the sanitary sewer system through sump pumps, down spouts, roof and yard drains.

INDIRECT DISCHARGE - The discharge or introduction of nondomestic pollutants from any source subject to or regulated under Section 307 (b), (c), or (d) of the Act into the POTW (including holding-tank waste discharged into the system)

INDUSTRIAL USER - A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. ss 1342).

INDUSTRIAL WASTEWATER - All water-carried wastes and wastewater, excluding domestic wastewater and unpolluted water; includes all wastewater from any producing, manufacturing, processing, testing, institutional, commercial, agricultural or other operation where the wastewater discharged includes nondomestic wastes.

I/I (INFLOW/INFILTRATION) - Infiltration is groundwater entering sewers, service laterals, or manholes through means which include, but are not limited to, defective pipes, pipe joints, connections, or manholes. Inflow is stormwater or surface waters entering the sewer system through drains, catch basins, roof leaders, manhole covers, and flows from sump pumps connected to the sewer.

INSPECTOR – The Department of Public Works (DPW) Director or his designee.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT - The maximum concentration of a pollutant allowed to be discharged at any one time, determined from the analysis of any discrete or composted sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE: A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES 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 or criteria applicable to the method of disposal or use employed by the POTW:

- (1) Section 405 of the Act;
- (2) The Solid Waste Disposal Act (See 42 U.S.C. §6901, et seq.), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA);
- (3) any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, or that would prevent sewage sludge use under 310 CMR 32;
- (4) The Clean Air Act (See 42 U.S.C. §7401, et seq.);
- (5) The Toxic Substances Control Act (See 15 U.S.C. §2601, et seq.) and
- (6) The Marine Protection, Research, and Sanctuaries Act (See 33 U.S.C. §1401, et seq.)

LOCAL LIMITS: Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

MONTHLY AVERAGE: The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

MONTHLY AVERAGE LIMIT: The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

MEDICAL WASTE - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes

NATIONAL CATEGORICAL PRETREATMENT STANDARD, CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which apply to a specific category of users and which existed on the effective date of these Regulations are codified at 40 CFR, Chapter 1, Subchapter N, Parts 404 - 471, as the same may from time to time be amended.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT OR NPDES PERMIT - A permit issued pursuant to Section 402 of the Act (33 U.S.C. ss 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD - Any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR 403.5.

NEW SOURCE:

- (1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- (c) 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 if 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 shall be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a "new source" if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection A(1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.
- (3) For the purposes of this definition, construction of a "new source" has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous on site construction program:
 - i. Any replacement, assembly or installation of facilities or equipment; or
 - ii. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of "New Source" facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

NONCONTACT COOLING WATER: Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NORMAL OPERATING DAY - A twenty-four hour day or such fewer hours during which standard and routine operations and work of the facility are conducted. It would include but is not limited to daily cleaning, routine maintenance and production. It would not include work stoppages, scheduled and unscheduled shutdowns, holiday schedules, major cleanup and the like.

OIL and GREASE - Any liquid or solid material composed primarily of fat, oil, and grease (FOG), from animal and vegetable sources, which is extractable from an acidified sample of a waste by freon or other designated solvent and as determined by the appropriate standard procedure.

OIL-WATER SEPARATOR - shall mean a receptacle designed to separate petroleum-based oil and grease from water. Also called a "trap" or "interceptor"

PASS THROUGH: A discharge which exits the POTW into waters of the Commonwealth or of the United States in quantities or concentrations which, alone or in conjunction with a

discharge or discharges from other sources, is a cause of a violation of any requirement of the receiving City's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON - Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, federal, state or local, or any other entity or legal representative, agents or assign of any of them.

pH: A measure of the acidity or alkalinity of a solution, expressed in standard units or the logarithm of the reciprocal of the amount of hydrogen ions in moles per liter of solution.

POLLUTANT - Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural and commercial wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor) or any other contaminant.

POLLUTION - The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

PRETREATMENT or TREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes other than means, except by diluting the concentration of the pollutants as prohibited by 40 CFR 403.6(d), unless allowed by an applicable Categorical Pretreatment Standard.

PRETREATMENT COORDINATOR: The person, designated by the City to carry out certain duties associated with the Industrial Pretreatment Program, that is charged with certain duties and responsibilities by these Regulations, or his duly authorized representative.

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment, other than a Categorical Pretreatment Standard, imposed on an Industrial User.

PRETREATMENT STANDARDS or STANDARDS: Prohibited discharge standards, Categorical Standards and Local Limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES - Absolute prohibitions against the discharge of certain substances as set forth in Article III of these Regulations.

PROPERLY SHREDDED GARBAGE - Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS or POTW - Fitchburg or Leominster POTW designed to provide treatment to wastewater. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of liquid wastes including sewers that convey wastewater to the POTW treatment plant. For the purposes of these

Regulations, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, Users of the City's POTW. The term also means the City and/or its agents having jurisdiction over indirect discharges to and the discharges from such treatment works.

PUBLIC DRAIN: A drain located in a public way or easement in which all owners of abutting properties have equal rights, and is under the full care and control of the Town.

PUBLIC SEWER - A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

PUBLIC WORKS – The Lunenburg Department of Public Works, also referred to as the Department.

RCRA - Resource Conservation and Recovery Act

RECEIVING WATERS - Any watercourse, river, pond, ditch, lake, aquifer or other body of surface or ground water receiving discharge of wastewater.

SANITARY SEWER - A sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

SEPTAGE or SEPTIC TANK WASTE: Any sludge and wastewater from holding tanks such as vessels, chemical toilets, campers, trailers septic tanks and cesspools, that is removed and transported by a septage waste hauler, for disposal and treatment at a POTW.

SEWER - A pipe or conduit for carrying wastewater.

SEWER CONNECTION - A sewer pipeline running laterally from a street sewer, an off-street sewer or a trunk sewer to an individual tract, lot or parcel of land to serve one (1) or more houses or other buildings, whether or not connected to any house or building.

SEWER EXTENSION – An extension of the public sewer that can be either a public extension, controlled by the Town, or a private extension, initiated and funded by property owners of a specific area of the Town, approved and constructed under the auspices of the Lunenburg Sewer Commission and DPW Director.

SIGNIFICANT INDUSTRIAL USER(SIU) OR SIGNIFICANT USER:

- (1) A User subject to Categorical Pretreatment Standards, or
- (2) A User that:
 - (a) Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW per normal operating day;
 - (b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the Pretreatment Coordinator on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (3) The Pretreatment Coordinator may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a

finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Categorical Pretreatment Standard) and the following conditions are met:

- (a) The Industrial User, prior to City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
- (b) The Industrial User annually submits the certification statement required in 40 CR 403.12(q), together with any additional information necessary to support the certification statement; and
- (c) The Industrial User never discharges any untreated concentrated wastewater.

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

SIGNIFICANT NONCOMPLIANCE:

- (1) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

SLUG: Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or permit conditions. A "slug" shall also include any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during a normal operating day.

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

STANDARD LABORATORY PROCEDURES - Those methods outlined in the most recent edition of the EPA manual Methods for Chemical Analysis of Water and Wastes and/or the APHA, AWWA, WPCF publication Standard Methods for the Examination of Water and Wastewater or in 40 CFR 136.

STATE - The Massachusetts Department of Environmental Protection, the Massachusetts Division of Water Pollution Control.

STORM DRAIN or STORM SEWER - A sewer which carries storm and surface waters and drainage but excludes wastewater and industrial wastes, other than unpolluted cooling water.

STORMWATER - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUBSTANTIAL REHABILITATION:

- (1) Repairs, replacement, improvements (including major movable equipment) and additions, the cost of which exceeds 15% of the after-rehabilitation value of the property; or
- (2) Replacement of two or more major building components.

SUSPENDED SOLIDS - Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering and are referred to as non-filterable residue in the laboratory test prescribed in Standard Methods for the Examination of Water and Wastewater.

T-CONNECTION – the point at which the house connection meets the sewer main

TOWN - The Town of Lunenburg

TOXIC SUBSTANCES - Any substance or mixture, whether gaseous, liquid or solid; which, when discharged into the sewer system, may tend to interfere with any wastewater treatment process, constitute a hazard to human beings or animals, inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the POTW.

TURBIDITY: A condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays; measure of fine suspended matter in liquids; analytical quantity usually reported in arbitrary turbidity units determined by measurements of light diffraction.

TYPE I – bituminous concrete

UNPOLLUTED WATER - Water whose discharge will not cause any violation of receiving water standards of the Commonwealth of Massachusetts.

UPSET - An incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or the provisions of these Regulations because of factors beyond the control of the industrial 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.

USER - Any person who contributes, causes or permits the contribution of wastewater into the City of Fitchburg or Leominster’s POTW.

WASTES - Substances in liquid, solid or gaseous form that can be carried in water.

WASTEWATER: The spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater, whether treated or untreated, which are contributed to the POTW.

WASTEWATER DISCHARGE PERMIT - The permit required of significant industrial users to discharge to the POTW.

WASTEWATER SYSTEM or SYSTEM - The publicly owned treatment works.

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

B. Word usage. “Shall” is mandatory: “may” is permissive.

C. Abbreviations: The following abbreviations shall have the designated meanings:
BOD=Biochemical Oxygen Demand

BMP: Best Management Practice

BMR: Baseline Monitoring Report

CFR: Code of Federal Regulations

CIU: Categorical Industrial User

COD=Chemical Oxygen Demand

EPA=Environmental Protection Agency

FOG = Fats, Oils, and Grease

gpd=Gallons Per Day

IU: Industrial User

mg/l=Milligrams Per Liter

NPDES=National Pollutant Discharge Elimination System

NSCIU: Non-Significant Categorical Industrial User

O/G=Oil and Grease

POTW=Publicly Owned Treatment Works

RCRA=Resource Conservation and Recovery Act

SIC=Standard Industrial Classification

SNC=Significant Non-Compliance

SIU: Significant Industrial User

TSS=Total Suspended Solids

USC=United States Code

D. Interpretation.

- (1) These Regulations shall be construed and interpreted so as to be consistent with the Act and the regulations of the EPA promulgated thereunder. It is the intent of the Town to vest the Commission with all the powers necessary and reasonably useful to fulfill the Town's and the Cities' POTWs' obligations under the Act and regulations promulgated thereunder and any stricter or additional obligations imposed by the Commonwealth or its agencies.
- (2) Whenever reference is made to any federal or state statute or regulation, it shall mean the statute or regulation existing on the effective date of these Regulations and as the context permits or requires. It shall also mean and include the statute or regulation as the same may from time to time be amended.
- (3) Any reference in the Regulations to the "Town" shall mean where the context permits "the Commission".

I-3 Disclaimer of Liability

Neither the Town nor the Commission shall be liable to any person for the failure to furnish sewer service for any purpose or under any conditions or for the quantity or quality of the service furnished or for any damage from discontinuance of service. All connections and service are subject to these provisions.

ARTICLE II
Building Sewers, Connections, and Extensions

II-1 Permit Required

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Department of Public Works. No property, or portion of a property, located outside the Sewer Service Area shall be allowed to extend or construct a sanitary sewer. There must be sufficient available capacity to accommodate the proposed expansion. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Department at least forty-five (45) days prior to the proposed change or connection (see Appendix F – Forms).**
- B. Connection permits: There shall be three (3) classes of building sewer permits: 1) single-family residential, 2) multifamily and commercial, and 3) industrial. In each case, the owner or his agent shall make application on a special form furnished by the town and shall meet all conditions of said permit as detailed on the form (see Appendix F – Forms). The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commissioners. Approval of commercial and industrial permits must be obtained from the Commissioners of either Leominster or Fitchburg, after review and recommendation by the Commission, before a permit can be issued.**
- C. Application to connect or reconnect to the sewer must be made in person by the installing contractor representing the property owner. The Town will provide a tie card upon request of the contractor and the contractor is responsible for locating the connection. The Town can provide additional assistance in locating the stub if requested.**
- D. Any application for a sewer connection to a commercial or industrial building must be accompanied by a Sewer Clearance Plan showing the following:**
 - (1) All invert elevations of proposed connections at building and street.**
 - (2) Street centerline elevation**
 - (3) Building sill elevation**
 - (4) Plan stamped by a Registered Professional Engineer with Mass. Certification**
 - (5) All connections showing any water, sewer, drainage connections**
 - (6) Building location on lot**
 - (7) All wetlands shown, if applicable. If not applicable, submit written statement noting that no wetlands exist on lot.**
 - (8) Building setback distances shown from each lot line**
 - (9) Driveway location centerline grades indicating pitch of driveway.**

(10) Scale: 1" = 40' Plan size 8 1/2 X 11 only

(11) Any drainage connections that may be required must be shown. Any perimeter drain is not allowed to transit, by any means, water onto Town streets. It must be shown on the clearance plan where the perimeter drain will discharge.

(12) Water pressure which will service the building must be designated on the plan.

(13) Sewer flow calculation must be shown on all commercial and industrial connections based on Title V regulations.

E. Low Pressure System Installation: The low pressure system's manufacturer's 'Startup report' will be provided to the property owner upon system installation and startup. The startup process will include the manufacturer or manufacturer's representative or installation contractor turning on the pump's valve with the manufacturer-specific key.

F. Extensions: All sewer extensions to the existing main must be approved by the Commission.

Any proposed extension of the sewer main that lies outside the Sewer Service Area entirely or in part requires approval of the Commission as well as a Town Meeting vote to extend the Sewer Service Area.

G. Sewer Connection Permits associated with New Construction/Additions: Permits issued hereunder shall terminate upon expiration of the building permit.

II-2 Sewer Connections and Extensions

A. Connection costs: All costs and expenses incidental to the installation and connection of the building sewer, except where originally installed by the Town, shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Prior to beginning construction all applicable permits and fees must be submitted including but not limited to road opening, drain layer, trench permit, and required insurance amounts inclusive of workers' compensation.

B. Connections to different buildings: A separate and independent building sewer shall be provided for every building.

C. Owner Responsibility: The property owner is responsible for maintenance and repair of the building sewer from the inside foundation wall to the common sewer, including the "T" connection.

D. Old and new sewer service connections: When there is a connection or reconnection to an existing building, PVC piping must be used to connect the building from the plane of the foundation to the street. Old sewer service connections may be used in connection with new sewer service connections only when they are PVC and found, on examination and test by the Department, to meet all requirements of these Regulations. Any costs involved in examinations and tests shall be paid by the person making the application for a permit.

For new construction only: Prior to applying for a sewer connection permit, applicant must demonstrate that the lot is determined buildable and conforms to the current

zoning requirements. An application for permit to connect for each unit to be constructed must be submitted, approved and appropriate permit fee paid before the Sewer Commission representative signs off on the building permit on the online permitting program, initiated by the Building Department.

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

Field inspections will be done by the Director of Public Works or his agent. The Department should be given a minimum of 48 hours' notice prior to start of the sewer connection.

F. Abandonment of Septic Systems: Septic systems must be abandoned in accordance with the Title V State Sanitary Code and Board of Health regulations.

G. Lunenburg Sewer By-Law (See Appendix A)

H. Lunenburg Sewer Extension Regulation (See Appendix D)

I. Sewer Commission Development Policy: A guiding principle of the Sewer Commission is to determine the most effective method of providing service to existing and new developments where alternate, on site solutions are not able to meet local and state health and environmental requirements. It is not the intention or goal of the Commission to control or enable development.

II-3 Installation of Building Sewers and Private Sewer Extensions

A. Conformity to regulations: 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. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Department before installation.

(1). At the discretion of the Department, an applicant may be required to provide video documentation of the installed condition of the sewers; and to provide pressure testing of the lines and vacuum testing of the manholes prior to acceptance to document water tightness.

B. Gravity flow not possible: In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

C. Prohibited connections: No person shall make connection of sump pumps, roof drains, roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

D. **Safety requirements:** All excavations for building sewer installations shall be adequately guarded by the applicant and barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

E. **Design of future connections:** Future connections to facilities constructed by the Town shall be designed according to criteria established by the Commissioners and constructed by the person desiring the additional connection after review and approval of the plans and specifications by the Commission and the Commissioners.

F. **Drain Layers**

(1) License to install building sewers and make connections to the common sewers will be issued to contractors. An initial fee of \$100.00 must accompany all applications for Drain Layers licenses. Licenses can be renewed for each calendar year (with \$100.00 fee).

(2) In order for a contractor to do work in the Town of Lunenburg, he must submit a certificate of insurance. A valid insurance certificate shall remain on file with Department of Public Works. In cases of a privately-funded project, the Town shall be named as 'additional insured' on the contractor's Certificate of Insurance and shall be copied on the Completion Bond covering the value of the project between the contractor and those funding the project.

Drain layers doing work hereunder shall maintain minimum insurance coverage as follows:

General Liability:	\$1,000,000 Occurrence/\$2,000,000 General Aggregate (minimum)
Automobile Liability	\$1,000,000 Combined Single Limit
Workers' Compensation	\$1,000,000 each accident or as required by Mass Law (\$100,000/\$500,000/\$100,000)

(3) Contractor must obtain a separate Trench Permit (administered by the Department) for each sewer connection. A separate Road Opening Permit (administered by the Department) will be required if the proposed excavation extends into the paved way. This requirement may only be waived by the Inspector.

(4) **Procedures**

(a) **Indemnification:** The Contractor will indemnify and hold harmless the Town of Lunenburg its agents and employees from and against all claims damages, losses and expenses, including attorney's fees arising out of or resulting from the performance or work.

The contractor shall make good, without cost to the property owner or the Town, any defects in the work or parts of the work furnished by him and any damage due to faulty workmanship on his part or due to faulty or imperfect material or equipment furnished by him. The contractor will be held liable for all work done for a period of one year from the date of completion.

It is the responsibility of the contractor to contact "Dig Safe" and present the number issued by "Dig Safe" at the time of application.

All applicable fees are to be paid prior to beginning work.

Between November 1st and April 1st, no road opening permits will be issued within this period without permission of the Inspector.

No contractor will be allowed to work on Saturdays, Sundays, or Holidays without permission of the Inspector.

All construction must be inspected by the Inspector, and approval must be given before backfilling of trenches. Inspector must be given 48 hours notice prior to inspection. If the inspector deems any work unacceptable, the contractor shall immediately correct the problem at his own expense. If a contractor backfills a trench that has not been inspected the Inspector reserves the right to make the contractor uncover the work at his own expense. If the contractor is notified to maintain his trench and fails to do so, the Town will seek remuneration. These repairs must be completed before any future permits are issued to the contractor.

- (b) Excavation:** The contractor shall make all excavations in an approved manner to the established line and grade without damaging any existing pipes or structures. All existing pipes and structures shall be carefully supported and protected. The Contractor must notify the Inspector immediately in the case of damage to existing utilities and obtain approval of the method of repair. In the event of a utility conflict a pipe or structure will not be adjusted until the Inspector has given approval.
- (c) Ledge:** When making excavations in rock a minimum of 12 inches of screened material or crushed stone must be placed in the trench prior to the laying of the pipe. Pipe laid on rock is not acceptable.
- (d) Backfilling and Compaction:** Under paved areas: suitable material shall be compacted in one-foot lifts at the discretion of the Inspector, and shall contain no stones larger than three inches. The top surface shall be Type I bituminous concrete. Compaction under grassy private areas will be at the discretion of the Inspector.
- (e) Restoration of Paved Surfaces:** When excavations are to be made in paved surfaces, or will effect pavement, the pavement shall be cut with pneumatic tools or saw cut to prevent damage to surrounding surface. The contractor shall replace all surface material, and restore pavement to a condition equal to the condition before the work began. Permanent patch will consist of Type I bituminous concrete and will be compacted in lifts not to exceed two (2) inches. Trenches extending into the paved way and left temporarily must be patched with either Type I or high performance coal patch. Excavation of temporary patch will be at the discretion of the Inspector. The Town may require the need to use flowable fill and or infrared treatment for the repair of trench work (particularly applicable when work occurs in any recently overlaid road). Contractor shall be responsible for replacing any traffic paint lines covered by the overlay, and any damage caused to public or private property shall be repaired at the contractor's expense. The person or persons applying for permit to be responsible for one (1) year after completion of the surface, to the satisfaction of the DPW Director.
- (f) Clean-up:** All ledge, boulders or other debris left from construction shall be removed from within the roadway layout by the contractor before project is accepted by the Town of Lunenburg.

- (g) **As-Built:** Any installation will require the complete as-built information, with appropriate ties to all structures and connections, supplied by the contractor to the Town and the homeowner (see Appendix F – Forms). This form must be completed prior to any further permits being issued or before any pending permits are exercised.
- (h) **Materials:** All sewer pipes shall be SDR 35 or equal. Sewer pipe for services must be equal in diameter to the pipe at the main line “stub” or minimum 6” when no stub is available. Services shall have a minimum pitch of 0.020 feet per feet, unless given prior approval by the DPW Director for lesser slopes.
- (i) **Groundwater:** No floor drains or perimeter drains shall be connected to the sanitary sewer.
- (j) **General:** No pipe will be installed under water or in mud or any unstable bedding. Excavations must be kept dry and stable until all work is completed. All water pumped or drained shall be disposed of in a suitable manner. The contractor will dispose of all surplus excavated material, as well as all unsuitable materials upon completion of work. Septic tanks will be pumped, filled, crushed or otherwise made inoperable upon completion of the sewer lateral. All sources of gray water must be redirected into the sanitary sewer.
- (k) **Mechanics of Installation:** All laterals should be aligned and graded using the appropriate instruments. Line and grade are the responsibility of the contractor. No bends shall be laid consecutively. Any bend in excess of twenty-two and one-half degrees will be installed at the discretion of the Inspector. No ninety degree bends or double forty-five degree bends will be allowed. When a turn in the line of ninety degrees is necessary, the Inspector will determine whether a ninety degree sweep, vertical cleanout, or manhole shall be installed. Non-structural (concrete well tile or high density polyethylene structure) manholes with built or formed inverts are acceptable in non-traffic areas and covers may be buried or brought to grade. Where manholes must be used in driveways or other areas subject to vehicular traffic, structural manholes will be required. In the case of laterals that extend in excess of fifty feet from the foundation a vertical cleanout or manhole may be required.
- (l) **Septic System Abandonment:** Upon connection to the municipal sewer, the septic system must be abandoned in accordance with Lunenburg Board of Health regulations (see Appendix F – Forms). Such abandonment must be witnessed by an agent of the Board of Health.

All requirements for construction of a building sewer as described herein shall also apply to private sewer extensions (see Appendix D).

II-4 Ownership and Maintenance of Building Laterals and Drains

- A. Building sewer laterals, building combined sewer laterals, and building drains, whether located on public or private property, are the responsibility of and shall be installed and maintained by the owner of the premises served. In the case where more than one premises is connected to the same building sewer lateral, building combined sewer**

lateral, or building drain, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair of the building sewer lateral, building combined sewer lateral, building drain or building stormwater drain lateral.

- B. The owner shall at all times keep such laterals and drains clean and in good repair in order not to cause excessive infiltration, exfiltration or inflow, depletion of groundwater, damage to property, odor, or harm to the City's wastewater systems.**
- C. The owner shall maintain, repair, modify or replace an existing building sewer lateral, combined sewer lateral, or building drain whenever it is determined by the City that such wastewater system may endanger public health, create a public nuisance, result in public or private property damage, harm the City's wastewater system, result in excessive infiltration, exfiltration or inflow or impair water quality or the environment and in such other circumstances as the City deems appropriate.**
- D. Building sewer laterals, building combined sewer laterals, and building drains shall be maintained, repaired, modified or replaced at the owner's expense.**

ARTICLE III
Discharge Regulations

III-1 Damage and Tampering Prohibition

No unauthorized person shall:

- A. Break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the Town of Lunenburg and used or intended to be used for the purposes of making measurement, tests or examination or sewage or wastes.**
- B. Remove, damage or interfere with the functioning of any pipe, main, manhole, manhole cover, building, apparatus or equipment used in the collection, conveyance or treatment of sewage or industrial wastes.**
- C. Place or cause to be placed in any manhole or sewer pipe or main any material which results or is likely to result in the stopping or obstructing of the normal flow of sewage or wastes.**

III-2 General Discharge Prohibitions

No user shall introduce or cause to be introduced directly or indirectly into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- A. Any wastewaters containing toxic pollutants or poisonous liquids, gases or solids, including heavy metals, in sufficient quantity which, either singly or by interaction with other wastes, injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard in the waters receiving treated effluent from the POTW treatment plant or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.**
- B. Any wastewater, liquid or vapor having a temperature higher than 150° F. (65° C.). No user may discharge a waste which shall cause the temperature at the POTW influent to exceed 104° F. (40° C.).**
- C. Any wastewaters having a pH lower than 5.5 standard units (s.u.) or higher than 11.0 s.u., or having any other corrosive property capable of causing damage or hazard to structures, equipment, process or personnel at the POTW.**
- D. Any wastewaters containing fats, waxes, grease or oils or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.). Fats, oils, greases or waxes which are free-floating shall not be discharged into the sewer system.**
- E. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at**

the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the state or EPA has notified the user is a fire hazard or a hazard to the system.

- F. Any solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the POTW, such as but not limited to ashes, cinders, spent lime, sand, mud, straw, shavings, metal, glass, rags, feathers, bones, tar, plastics, wood, unground garbage, grass clippings, whole blood, paunch manure, hair and fleshings, entrails, grease, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- G. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Commission-Department.
- H. Waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment in order for POTW treatment plant effluent to meet standards set by state law or rules, regulations or orders made pursuant to law.
- I. Waters or wastes which require excessive quantities of chlorine for stabilization in addition to biological treatment.
- J. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations as to exceed limits which may be established by the City as necessary, after treatment of the composite wastewater, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.
- K. Any radioactive wastes or isotopes in excessive amounts or of such half-life or concentration as may exceed limits established in applicable state or federal regulations or by the City.
- L. Pollutants, including oxygen-demanding pollutants (BOD, for example), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. In no case shall materials or flow be discharged in such amounts as to constitute a slug as defined in these Regulations.
- M. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- N. Any wastewater which causes a hazard to human life or creates a public nuisance, including any pollutants which result in the presence of toxic gases, vapors or

fumes within the POTW in a quantity that may cause acute worker health and safety problems.

- O. It shall be unlawful for any person to discharge into the sewer system or cause to be discharged into the sewer system the sludge resulting from pretreatment of waters or wastewaters.
- P. Any pollutants which create a fire or explosion hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test methods set forth in 40 CFR 261.21.
- Q. Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
- R. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- S. Pollutants, substances or wastewater prohibited by this section III-2 shall not be processed or stored in such a manner or location that they could be discharged to the POTW.
- T. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than one-half inch (1/2"; 1.27 cm) in any dimension.

III-3 Dilution of Discharge

Except where expressly authorized to do so by an applicable categorical pretreatment standard, no user shall increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standard or other discharge limitation. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate.

III-4 Specific Local Limitations

A. Local limits.

- (1) The following Local Limits, representing the total Maximum Allowable Industrial Load ('MAIL') from all industrial sewer users, are established to protect the POTW from pass-through and interference. The City shall issue discharge permits to all Significant Industrial Users ('SIUs') with site-specific limits for the permittee's discharge parameters. The City shall establish the site-specific limits for each SIU to ensure that the total industrial wastewater loading to the POTW does not exceed the Local Limits. The City reserves the right to adjust the individual SIU discharge limits in the future, as necessary, to address changes in the SIU's discharge volume or pollutant characteristics of the industrial wastewater.

Parameter	Maximum Allowable Industrial Load (lb/day)
Aluminum	39.9
Arsenic	0.664 [‡]
Cadmium	0.0132 [‡]
Chromium	61.9 [‡]
Copper	0.185
Lead	0.293 [‡]
Mercury	0.00326
Nickel	3.95 [‡]
Selenium	0.943 [‡]
Silver	0.409 [‡]
Zinc	4.49 [‡]
Chromium VI	8.72 [‡]
Ammonia	1,859 [‡]
BOD5	8,584
TSS	6,960
Total Phosphorus	10.7 [‡]
Cyanide	2.029 [‡]

Note: “‡” designates ‘Screening Limit’

- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32 °F and 150 °F (0 °C and 65 °C).
- (3) pH: not less than 5.5 standard units (s.u.) nor more than 11.0 s.u.

Instantaneous discharge flow rate limits.

- (1) The instantaneous discharge flow rate shall not exceed the following limits:

<u>Average Flow (gallons per day)</u>	<u>Allowable Ratio of Instantaneous</u>	<u>Flow Rate to Average Flow</u>
50,000 to 100,000	3	
100,000 to 500,000	2	
More than 500,000	1.5	

- (2) Users whose average flow is less than fifty thousand (50,000) gallons per day shall not discharge an instantaneous rate of flow in excess of one hundred fifty thousand (150,000) gallons per day.

B. No person shall discharge any waste or wastewater in a slug.

C. The Cities may establish by ordinance and the Commission by regulations or by the grant or modification of wastewater discharge permits more stringent standards or requirements on discharges to the POTW.

III-5 Interceptors

A. Internal/external grease, oil and sand interceptors shall be installed and operational when they are required by local or state Plumbing Code for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarter or dwelling units. All interceptors shall be of a type and capacity approved by the Commission and shall be located as to be readily and easily accessible for cleaning and inspection.

B. Also see Appendix C – Rules and Regulations for Oil and Grease Traps/Interceptors for Food Establishments and Appendix L - Oil/Water Separator Regulation.

III-6 Precedence of Other Standards

The Categorical Pretreatment Standards set forth in 40 CFR, Chapter 1, Subchapter N, Parts 405 - 471, are hereby incorporated into these Regulations and adopted by the Commission subject to the following:

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. Upon the effective date of the Categorical Pretreatment Standards for a particular industrial subcategory, the Categorical Standard, if more stringent than the limitations imposed under these Regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these Regulations.

C. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the City can impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

D. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive requirement of 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

E. A User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15.

F. If State or Local Limits are more stringent than the Categorical Pretreatment Standards, then the State or local standards shall apply. It is the intent of this section that the most stringent standards shall apply.

G. The Commission reserves the right to establish by this article more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of 403 CFR Part 403.

III-7 Accidental Discharges

- A. **Regulations.** Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Regulations. Facilities required to prevent accidental discharge of prohibited materials shall be provided and maintained at the owners or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Pretreatment Coordinator for review and shall be approved before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of these Regulations. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Pretreatment Coordinator or his duly authorized representative of the incident. (See Article IV-4 Reporting Requirements)
- B. **Notice to employees.** A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a slug discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- C. **Accidental discharge/slug control plans.** At least once every two years, the Pretreatment Coordinator shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The Pretreatment Coordinator may require any User to develop, submit for approval and implement such a plan. Alternatively, the Pretreatment Coordinator may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - (1) **Description of discharge practices, including non-routine batch discharges.**
 - (2) **Description of stored chemicals.**
 - (3) **Procedures for immediately notifying the Pretreatment Coordinator of any accidental or slug discharges, as required by Article IV-4 Reporting Requirements.**
 - (4) **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.
 - (5) **Such other plans, methods, steps, systems or requirements as the Pretreatment Coordinator may require.**
- D. **The User must immediately notify the Pretreatment Coordinator of changes that occur at the facility affecting the potential for an accidental or slug discharge, thereby allowing the Pretreatment Coordinator to reevaluate the need for an Accidental/Slug Discharge Control Plan or other actions to prevent such discharges.**
- E. **Each User must notify the Pretreatment Coordinator of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change. The notification shall include location of the discharge, type of waste, concentration and volume and**

corrective actions.

- F. No User who commences contribution to the POTW after the effective date of these Regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Pretreatment Coordinator.**

ARTICLE IV
Administration

IV-1 General Powers of Sewer Commission

- A. If any wastewaters or wastes are discharged or are proposed to be discharged to the public sewers containing excessive substances or possessing excessive characteristics, the Commission may:**
 - (1) Reject the wastewater or the waste;**
 - (2) Require pretreatment of wastewater or waste to modify them to an acceptable condition for discharge to the public sewers; and/or**
 - (3) Require control over the quantities and rates of discharge of the wastewater or waste; and/or**
 - (4) Require payment to cover the added cost of handling and treating the wastewater or waste not covered by existing taxes or sewer charges.**
- B. If the Commission permits the pretreatment or equalization of wastewater or waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commission and subject to the requirements of all applicable codes and rules and regulations of the Commission. Any costs involved with such reviews shall be paid by the person requesting the permit.**
- C. The City and/or Commission shall have full power and authority to promulgate 'Rules and Regulations', for all purposes set forth in MGL c.83, s.10, and to comply with federal law, including EPA regulations, state law and regulations, and to further the purposes and objectives of these Regulations. Such 'Rules and Regulations' may include but not be limited to regulations for imposition of civil penalties, procedural regulations governing hearings and appeals, regulations imposing stricter requirements with respect to application for permits, issuance of permits, contents of permits, and modification or termination of permits issued by the City and/or Commission.**
- D. The Commission shall have and shall exercise all power and authority to prevent, stop or limit any discharge or activity which threatened discharge is in violation of these Regulations, the Act, Regulations of the EPA or of the Commonwealth or to prevent, stop or limit any act which in its opinion would threaten or present serious or substantial danger to persons, the environment or which cause interference with the POTW or would cause or threaten to cause either City to be in violation of any condition of its NPDES permit, state or federal regulation or order of the EPA.**
- E. The Commission shall have the power and authority to issue orders consistent with these Regulations to any user for the purpose of achieving compliance with these Regulations. Violations of any order issued by them shall be deemed a violation of these Regulations.**
- F. The Commission has the authority to:**
 - (1) Inspect all public and private residences for violations of these Regulations, which may include sampling and testing of internal plumbing, building**

drains, building sewers or service connections, sump pumps and grinder pumps, grease traps and all other structures and conduits designed or used for the purpose of collecting, treating or disposing of wastewater and stormwater;

- (2) Require owners to repair or disconnect services which violate these Regulations;
- (3) Require owners to pay for all work in connection with repairs or disconnections on their service connection; and
- (4) Assess civil penalties for non-compliance with these Regulations.

G. No owner, occupant, or other person shall refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to properties, including within buildings, by the Commission or duly authorized employee or representative of the Town, bearing proper credentials and identification, where inspection is sought at reasonable times, with or without prior notice, in order to assure compliance with applicable by-laws, statutes, codes and/or regulations.

H. While performing inspections on private properties referred to in paragraphs F and G above, the Commission or duly authorized employee or representative of the Town shall observe all safety rules applicable to the premises reasonably established by the occupant.

I. An owner's refusal to grant permission of access shall be a violation of these Regulations and will be subject to civil penalty.

J. Also see Appendix E – Lunenburg Building Access Regulation

IV-2 Sewer Connection Permit

A. All persons desiring to make connections to the sewer system of the Town, whether within or outside the Town limits, shall apply to the Commission for a permit upon forms prescribed and furnished by the Commission (see Appendix F – Forms). Upon payment of the required fees to the Commission, a written permit shall be issued by the Commission. The acceptance of such permit shall obligate the owner of the property referred to in the permit to comply with all ordinances and regulations in force at the time the permit is granted or which shall be in force at any time thereafter.

B. **Sewer Commission Project Review Policy:**

- (1) When reviewing an application for, or when conducting inspections in relation to permits, which are within its legal jurisdiction to review and inspect, the Commission may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the said permit. The Commission may require that applicants pay a "project review fee" consisting of the reasonable costs incurred by the Commission for employment of outside consultants engaged by the Commission to assist in the review of a proposed project.

(2) In hiring outside consultants, the Commission may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Commission in analyzing a project to ensure compliance with all relevant laws, City ordinances and other regulations such as they relate to the project at hand. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Commission's decision or regulations, or inspecting a project during construction or implementation.

Applicant shall be directly responsible for the cost of the outside consultants.

(3) Any applicant may make an administrative appeal from this section regarding the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be made only within 20 days after the Commission has mailed or hand-delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. Any required time limit for action shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within 30 days following the filing of the appeal, the selection made by the Commission shall stand.

C. Direct Connections:

(1) Upon receiving a request for a connection to the City of Leominster or the City of Fitchburg sewer systems from the owner of property located, in whole or in part, in Lunenburg, the Cities shall notify the Town of Lunenburg of such request. In the event the property is located wholly in Lunenburg, no such connection shall be allowed without the prior approval of Lunenburg. (2) In the event of a direct connection to a City sewer system for a property located in Lunenburg, the City shall be solely responsible for the sewer service serving that property, including the connection, the service line, and any maintenance and repair required for such service, including maintenance and repair within the bounds of the subject property or within the public or private right of way through which the service line or main line shall pass. The City shall further be responsible for all road repairs and restorations, including replacement of any landscaping disturbed during installation of such connection. Additional requirements for such connections may be specified in any agreement(s) between the Town of Lunenburg and the City of Fitchburg or City of Leominster regarding such connections.

(3) The City shall be responsible for providing appropriate sign-offs for applications for building permits and occupancy permits for properties located within Lunenburg and serviced directly by the City. It is the responsibility of permit applicants to obtain such sign-offs from the respective City.

IV-3 Discharge Documents

A. Discharge document requirements. Notwithstanding that all users shall be required to obtain a connection permit from the Commission, all significant industrial users proposing to connect to or contribute to a receiving City's POTW shall also obtain a wastewater discharge permit from that City before connecting to or contributing to the POTW. The City may change the

restrictions and conditions of a permit as circumstances require. The application process, the procedure for any changes or modifications thereto, conditions of approval, duration and transfer shall all be determined by the receiving City in accordance with applicable City ordinances and regulations. Upon receipt of an application for a wastewater discharge permit from any SIU operating within the Town of Lunenburg, the receiving City shall notify the Commission thereof; the Commission shall have a period of thirty (30) days to identify any issues or concerns with, or otherwise comment on, the application; and the City shall give due consideration to the same in its review of and in any action on said application and/or conditioning of approval.

IV-4 Reporting Requirements

The reporting requirements for holders of wastewater discharge permits shall be the same as presented below:

A. **Pretreatment Baseline Monitoring Report.** Any User subject to Pretreatment Standards shall submit a baseline monitoring report (form supplied by the City) to the Pretreatment Coordinator by whichever deadline is later:

- (1) **Existing Sources.** Either 180 days after the final administrative decision is made upon a category determination submission under 40 CFR 403.6(a)(4); or 180 days after the effective date of a Categorical Pretreatment Standard for that particular industry.
- (2) **New Sources.** At least 90 days prior to commencement of their discharge, New Sources and sources that become Categorical Users after the promulgation of an applicable Categorical Standard shall submit to the Pretreatment Coordinator a report which contains the information listed below. A New Source shall report the method of pretreatment it intends to use to meet the applicable Categorical Pretreatment Standards. A New Source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.
 - (a) **Measurement of pollutants.**
 - i. The User shall take a minimum of one representative sample to compile data necessary to comply with monitoring requirements.
 - ii. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Pretreatment Coordinator;
 - iii. Sampling and analysis shall be performed in accordance with Article IV-5 Self-monitoring Regulations-Measurements;

- iv. The Pretreatment Coordinator may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- v. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
 - a. **Compliance Certification.** A statement, reviewed by the User's Authorized Representative as defined in Article I-2 Definitions and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
 - b. **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Article IV-4B Compliance Schedule Report.
 - c. **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Article IV-4F Certification Statements, and signed by an Authorized Representative as defined in Article I-2 Definitions.

B. Compliance Schedule Report. If additional pretreatment and/or operation and maintenance procedures will be required to meet the Pretreatment Standards, the User shall submit a schedule for compliance with said Standards.

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.). No increment shall exceed 9 months.
- (2) The completion date in the compliance schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. Not later than 14 days following each date in the schedule, the User shall submit a progress report to the Pretreatment Coordinator, including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the User to return the construction to the

schedule established. In no event shall more than nine months elapse between such progress reports to the Pretreatment Coordinator.

C. **Report on Compliance with Categorical Pretreatment Standard Deadlines.** Any User presently discharging to the POTW and subject to Categorical Pretreatment Standards shall submit a report within 90 days following the date for final compliance with said Standards. New Users shall submit this report following commencement of the introduction of wastewater into the POTW. The User shall supply the following information on a form supplied by the City:

- (1) The nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards. Sampling shall be conducted in accordance with 40 CFR part 136 and Article IV-5C Self-monitoring Regulations-Measurements.
- (2) The average and maximum daily flow for those process units of the Industrial User which are limited by such Pretreatment Standards or Requirements.
- (3) Whether applicable Pretreatment Standards and requirements are being met, and if not, what additional pretreatment and/or operation and maintenance procedures are needed to bring the User into compliance.
- (4) Additional information as required by 40 CFR 403.12(d) or as required by the Pretreatment Coordinator.
- (5) This statement shall be signed by an Authorized Representative of the User, as specified in 40 CFR 403.12(d).

D. **Periodic Compliance (Self-Monitoring) Reports.** Any User subject to a Categorical Pretreatment Standard after the compliance date of such Pretreatment Standard, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit *Quarterly Self-Monitoring Compliance Reports* to the Pretreatment Coordinator by or before *April 1st, July 1st, October 1st, and January 1st*, unless required more frequently in the Pretreatment Standard, or by the Pretreatment Coordinator, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in the baseline monitoring report, except that the Pretreatment Coordinator may require more detailed reporting of flows.

- (1) All wastewater samples must be representative of the User's discharge.
- (2) Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (3) In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

- (4) At the discretion of the Pretreatment Coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Pretreatment Coordinator may agree to alter the months during which the above reports are to be submitted.
- (5) Significant Non-categorical Users shall submit periodic compliance reports at least once every six months in accordance with 40 CFR 403.12(h) or as required by the Pretreatment Coordinator.
- (6) If the Industrial User monitors any pollutant more frequently than required by the POTW, the results of this monitoring shall be included in this report.
- (7) This statement shall be signed by an Authorized Representative of the User, as specified in 40 CFR 403.12(d).

E. **Reports of Changed Conditions.** Each User must notify the Department and the Pretreatment Coordinator of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change.

- (1) The Pretreatment Coordinator may require the User subject to a Categorical Pretreatment Standard to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Article IV-3 Discharge Documents.
- (2) The City may issue an individual wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.
- (3) Significant Industrial Users are required to notify the Pretreatment Coordinator immediately of any changes at its facility affecting the potential for a slug discharge.

F. **Certification Statements.**

- (1) The following certification statement is required to be signed by a User subject to a Categorical Pretreatment Standard submitting baseline monitoring reports, pretreatment compliance reports, periodic compliance reports, self-monitoring reports and permit applications.
 - (a) "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."

G. **Date of Receipt of Reports.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, the date of receipt of the report shall govern.

H. **Accidental/Slug Discharges Report.** In the event of an accidental discharge into the sanitary sewer of any wastes which might pose a hazard to the POTW treatment processes, personnel or sludge disposal methods or the discharge of a slug as defined herein, the Pretreatment Coordinator must be notified by the User within one hour after discovery. Notification shall include location of discharge, type of waste, concentration and volume and corrective actions. A written report must be submitted within five days, stating what occurred and the corrective actions taken so that further accidental discharges will not occur. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by these Regulations or other applicable law.

I. **Upset Reporting.** The occurrence of an Upset, as defined in Article I-2 Definitions, shall constitute an affirmative defense for an Industrial User to an action brought for noncompliance with Categorical Pretreatment Standards and local and state requirements. The burden of proof for such upset shall rest on the Industrial User. The Industrial User must notify the Department and the Pretreatment Coordinator immediately after becoming aware of the Upset. The Industrial User must have evidence to demonstrate the following conditions:

- (1) An Upset occurred and the Industrial User can identify the specific cause(s) of the Upset.
- (2) The treatment facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
- (3) The Industrial User has submitted the following information to the Pretreatment Coordinator within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five 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 anticipated time the noncompliance is expected to continue.
 - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the User, seeking to establish the occurrence of an Upset, shall have the burden of proof.
- (5) The Industrial User shall control production and all discharges to the extent necessary to return to compliance with Categorical 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.
- (6) **Recordkeeping.** Users subject to the reporting requirements of these Regulations shall retain and make available for inspection and copying all records and information obtained pursuant to any monitoring activities required by these Regulations or by order of the Department, City or Pretreatment Coordinator any

additional records or information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Such records shall include:

- (a) The date, exact place, method and time of sampling and the name(s) of the person(s) taking the samples.
- (b) The dates analyses were performed.
- (c) Who performed the analyses.
- (d) The analytical techniques/methods used.
- (e) The results of such analyses.

(7) Any Industrial User subject to the reporting requirements established in these Regulations shall be required to maintain for a minimum of three years all records of monitoring activities and results. Records shall be made available for inspection and copying by the Department or the Pretreatment Coordinator. The period of retention shall be extended during the course of any unresolved litigation relating to the Industrial User, the Department, City or the POTW, or where the User has been specifically notified or ordered to retain records for a longer period by the Department, City or Pretreatment Coordinator.

- J. **Sludge Documentation.** The transportation and/or disposal of sludges generated by pretreatment shall be subject to applicable Federal, State and local regulations. The Industrial User shall be responsible for documenting the transporting and/or disposal of all pretreatment sludges. Receipts and other documentation shall be kept for a minimum of three years and shall be made available to the Pretreatment Coordinator upon request.
- K. **Intercepted and Separated Materials.** Upon request by the Pretreatment Coordinator, a User having an interceptor or separator must state specifically how the waste oil, grease, solvent, paint, etc., is disposed of and must provide evidence of such disposal service when required by the Pretreatment Coordinator. Records and receipts must be kept which demonstrate that these waste materials were contained and transported in a safe manner as prescribed by the rules of regulatory agencies, including but not limited to the United States Department of Transportation, and handled by reputable persons who shall dispose of all such wastes in accordance with all Federal, State and local regulations.
- L. **Truth in Reporting.** The reports required by this section shall comply with and be subject to the provisions of the United States Code (18 U.S.C. § 1001) relating to fraud and false statements; the provisions of Section 309(c)(4) of the Act governing false statements, representation or certification; and the provisions of Section 309(c)(6) of the Act regarding responsible corporate officers.
- M. **Notice of Violation/Repeat Sampling and Reporting.** If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator within 30 days after becoming aware of the violation. The User is not required to resample if the Pretreatment Coordinator monitors at the User's facility at least once a

month or if the Pretreatment Coordinator samples at a time between the User's initial sampling and the time when the User received the results of this initial sampling.

N. Notification of the Discharge of Hazardous Waste.

- (1) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents in the wastestream discharged during the calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 90 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, reports of changed conditions must be submitted under Article IV-4 Reporting Requirements-Reports of Changed Conditions. The notification requirement in this section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of these Regulations.
- (2) Dischargers are exempt from the requirements of Subsection N(1) above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as set forth in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) If new regulations under Section 3001 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., or any other Federal or State statute identify additional characteristics of hazardous waste or list any additional substance as a hazardous waste, the User must notify the Pretreatment Coordinator, the EPA Regional Waste Management Waste Division Director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Regulations, by a permit issued hereunder or by any applicable Federal or State law.

O. Analytical requirements. All pollutant analysis, 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 and Article

IV-5 Self-Monitoring Regulations, 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 must be performed in accordance with procedures approved by EPA.

IV-5 Self-Monitoring Regulations

- A. Requirements. Periodic measurements of flow, suspended solids, BOD₅ and other appropriate waste characteristics shall be made by those Users specifically designated by the City. The City shall determine the number of twenty-four-hour flow measurements and samples required. All samples taken by the Industrial User shall be divided with the City for testing as specified by the City. Continuous monitoring may be required in cases involving large fluctuations in quantity or quality of wastes or if the wastewater appears to have characteristics which may damage the treatment system. The acceptability of any monitoring results shall be determined by the City. Self-monitoring frequency, parameters and location shall be specified by the City and stated on the User's discharge permit.
- B. Facilities. The City shall require monitoring facilities to be provided and operated at the User's own expense to facilitate inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.
- C. Measurements. All measurements, tests and analyses of the characteristics of wastewaters to which reference is made in these Regulations shall be determined and performed in accordance with standard laboratory procedures and in accordance with Article IV-4 Reporting Requirements-Analytical Requirements. In the event that no special structure has been required by the City, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur. Frequency of sampling shall be established by the City on an individual basis and stated in the User's permit. Any costs involved in examination and tests shall be paid by the User. The Pretreatment Coordinator may check these tests as necessary.
 - (1) Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- (a) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (b) For sampling required in support of baseline monitoring and 90-day compliance reports a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Pretreatment Coordinator may authorize a lower minimum. For periodic compliance reports and reports on compliance with Pretreatment Standards the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.
- (c) Except for those pollutants that are required to be measured by grab samples (referenced above), all other pollutants will be measured using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is representative of the discharge and is authorized by the Pretreatment Coordinator.
- (d) Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewater are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula CFR 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 403.6(e), this adjusted limit along with supporting data shall be submitted to the POTW.

IV-6 Inspection and Sampling

The Town and/or City may inspect the facilities of any user to ascertain whether the purpose of these Regulations is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town Manager, Commission or their designee, the City , and other duly authorized employees of the Town and/ or City ready access at all reasonable times to all parts of the premises for the purposes of inspection, observation, measurement, sampling, records examination or in the performance of any of their duties. The Town, City, approval authority and, where the NPDES state is not the approval authority, EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Town, City, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

IV-7 Pretreatment of Industrial Wastewater

- A. Users shall provide necessary wastewater treatment as required to comply with these Regulations and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits and prohibitions set out in Article III, within the limitations set by the EPA, the Commonwealth of Massachusetts or the City, whichever limitation is the most stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the User's expense.
- B. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Department, Commission and the Pretreatment Coordinator for review and shall be acceptable to the Pretreatment Coordinator before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of these Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Department and the Pretreatment Coordinator and be acceptable to the Pretreatment Coordinator prior to the User's initiation of the changes.

IV-8 Confidential Information

- A. Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Commission that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.
- B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to these Regulations, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the Commonwealth or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the Commission as confidential shall not be transmitted to any governmental agency or to the general public by the Commission until and unless a ten-day notification is given to the User.

IV-9 Publication of Users in Significant Violation

- A. The Commission shall publish annually, in the largest daily newspaper in the Town, a list of the Users which, during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term "Significant Noncompliance" shall be as defined in Article I-2 Definitions.

ARTICLE V
Enforcement

V-1 Suspension of Permit/Service

- A. The Commission may suspend the wastewater treatment service and/or a wastewater contribution permit or cut off the sewer connection when such suspension or cutoff is necessary, in the opinion of the Commission or Department, in order to stop an actual or threatened discharge which:**
 - (1) Presents or may present an imminent or substantial endangerment of the health or welfare of persons;**
 - (2) Presents or may present an imminent or substantial endangerment to the environment;**
 - (3) May cause or actually causes interference to the POTW; or**
 - (4) Causes or will cause the POTW to be in violation of any condition of its NPDES permit or federal or state law.**
- B. The Commission may reinstate the wastewater contribution permit or the wastewater treatment service upon proof satisfactory to it of the elimination of the non-complying discharge.**
- C. In the event of a suspension or cutoff under this section, the affected user shall, within fifteen (15) days, submit a written report describing the event that caused the suspension, its causes and the measures taken to prevent any recurrence.**
- D. Any person notified of a suspension under this section shall immediately stop or eliminate the contribution. If any person fails voluntarily and in a timely manner to comply with a suspension order, the Commission shall take such steps as it deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to persons, the environment, property, the POTW system and/or its receiving stream.**

V-2 Revocation of Permit

The Commission may revoke any wastewater contribution permit if the Commission finds that:

- A. A user has falsified information or records required to be submitted or retained under these Regulations in connection with any permit or pursuant to an order or directive of the Commission or Department; or**
- B. A user has violated any condition of a wastewater contribution permit, or;**
- C. A user has refused right of entry; or**
- D. A user has failed to reapply for a permit or request a required permit modification; or**
- E. A user has discharged into the POTW in violation of these Regulations, federal or state law; or**

- F. Changed circumstance(s) require a temporary or permanent reduction or elimination of the permitted discharge; or
- G. A user has failed to report the wastewater constituents and characteristics of his discharge; or
- H. A user has failed to report significant changes in operations or wastewater constituents and characteristics; or
- I. A user has performed any act or failed to perform any act or breached any duty which in the opinion of the Commission or Department violates any applicable state or federal statute or regulation or any order of the Commission.

V-3 Issuance of Notice or Order

- A. In general, before, after or concurrently with service of a complaint the Commission may:
 - (1) Issue an order that requires the person to whom the order is directed to take corrective action within a time set in the order;
 - (2) Send a written notice or order that requires the person to whom the notice is directed to file a written report about the alleged violation; or
 - (3) Send a written notice or order that requires the person to whom the notice is directed:
 - (a) To appear at a hearing at a time and place scheduled in order to answer the charges in the complaint; or
 - (b) To file a written report and also appear at a hearing at a time and place set to answer the charges in the complaint.
- B. Effective date of order. Any order issued under these Regulations is effective immediately, according to its terms, when it is served.
- C. The Commission or Department may issue a notice alleging a violation or violations of these Regulations, the user's permit, state or federal law or the Commission's regulations. Within ten (10) days of the date of this notice, the user shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, including its plan for implementing specific required actions.
- D. Submission of a plan shall not relieve the user of any liability for any violations occurring before or after receipt of the notice or order, nor shall corrective action undertaken by a user be deemed a defense to the impositions of civil penalties imposed under these Regulations.
- E. When the Commission finds that a user has violated or continues to violate any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Commission may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance

within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. The Commission's orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer or correct violations to these Regulations. A compliance order does not relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking other action against the user.

F. Cease-and-desist orders.

- (1) When the Town Manager or their designee finds that a user has violated or continues to violate any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirements, or that the user's past violations are likely to recur, the Town Manager or their designee 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) Take such appropriate remedial or preventive action as may be needed to address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (2) Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, any other action against the user.

V-4 Complaint

- A. **Issuance.** The Commission may issue a written complaint to the user if there are reasonable grounds to believe that the person who the complaint is directed has violated:
 - (1) These Regulations;
 - (2) Any rule or regulation adopted under these Regulations;
 - (3) Any order or permit issued under these Regulations; or
 - (4) Any applicable state or federal law or regulation;
- B. **Contents.** A complaint issued under this section shall:
 - (1) State the provisions of state, federal or local law which have been violated;
 - (2) State generally the factual basis of the violation(s);
 - (3) Set the time and date for a hearing before the Commission at which hearing the user shall have a full and fair opportunity to establish that the alleged violation(s) have not occurred; or

(4) Order the user who has allegedly caused or contributed to the violation to appear and show cause at the time and date set for the hearing why the proposed enforcement action should not be taken.

C. Whether or not the user appears at the hearing, the Commission may take immediate enforcement action.

V-5 Hearings

A. Hearing on order or notice.

(1) Within ten (10) days after being served with an order or notice, the user or person served may request a hearing by writing to the Commission. The request shall state the reasons for the request, including any defenses and facts alleged to constitute defenses.

(2) Upon receipt of a request for hearing, the Commission shall set a date and time for hearing and shall give reasonable, written notice to the person requesting it.

B. The Commission may conduct the hearing or it may designate one (1) or more of its members to conduct hearing.

C. The Commission or its designee(s) shall:

(1) Admit and exclude evidence in accordance with the rules of evidence applicable in administrative proceedings under the law of the Commonwealth.

(2) Take oral testimony under oath or affirmation.

(3) Record the proceedings stenographically or by mechanical means.

(4) Render its decision in writing within a reasonable time.

(5) Prepare a written transcript or its proceedings at the request of any part or any person upon payment of reasonable charges set by the Commission.

D. The Commission, after hearing, may modify, affirm or reverse, in whole or in part, the order or notice from which the appeal was taken.

E. Where required or permitted by federal or state law, the conditions of its NPDES permit or directives or order of the EPA, the Commission may take immediate enforcement action, notwithstanding the request for an administrative hearing or the pending thereof. Nothing in these Regulations requires exhaustion of any administrative process before resort to judicial remedies or the imposition of any civil fine.

V-6 Consent Orders

The Commission may enter in to consent orders, assurances of voluntary compliance or other similar arrangements establishing an agreement with any user or person responsible for non-compliance. Such documents will include the specific action to be taken by the user to correct the non-compliance within the time period(s) in the

documents. These agreements and documents shall have the same force and effect as a final administrative order issued by the Commission under these Regulations.

V-7 Judicial Enforcement

- A. If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system, in violation of, or commits any act or refrains from doing any act required under the provisions of these Regulations, the regulations and/or orders of the Commission, state and/or federal pretreatment requirements or any applicable state or federal law, the Sewer Commission may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.**
- B. The remedy described in Subsection A of this Section shall be available notwithstanding the pendency of any administrative action or hearing, and the Commission shall not be required to conduct an administrative hearing or implement any administrative proceeding notice or issue any order in order to seek judicial relief.**

ARTICLE VI
Penalties

VI-1 Violations

- A. Any person who fails to comply with these rules and regulations promulgated hereunder shall be subject to enforcement actions by the Town and/or City in accordance with the remedies detailed in this Article VI, and in accordance with the Sewer Rules and Regulations.**
- B. When the Pretreatment Coordinator or Commission finds that a User has violated or continues to violate any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, the Pretreatment Coordinator or Commission may serve upon that User a written Notice of Violation. Within 10 days of the receipt of such notice, the User shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, including its plan for implementing specific required actions to the Pretreatment Coordinator and Commission. Submission of a plan shall not relieve the User of any liability for any violations occurring before or after receipt of the notice or order, nor shall corrective action undertaken by a User be deemed a defense to the impositions of civil penalties imposed under these Regulations.**
- C. Effective date. Any notice or order issued under these Regulations is effective immediately, according to its terms, when it is served.**

VI-2 Civil Penalties

- A. The Commission shall prescribe and establish civil administrative penalties for violations of these regulations, or orders of the Commission, the conditions of the permit, pretreatment standards and any federal and state requirement applicable to users discharging into the POTW system. The penalties shall be not more than five thousand dollars (\$5,000) for each violation. Each day on which the violation(s) exists shall be deemed a separate violation.**
- B. The rules and regulations establishing the civil administrative penalties shall be published once in a newspaper published in the Town. The publication shall include a notice that the rules and regulations shall be available for inspection by the public and shall not take effect until such newspaper publication has been made.**
- C. When the Commission finds that a user has violated or continues to violate any provision of these regulations, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Commission may fine such user in an amount not to exceed five thousand dollars (\$5,000.00) per violation for each day of violation. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.**
 - (1) Fines shall be assessed at two hundred dollars (\$200.00) per violation per day for the first violation and increase by two hundred dollars (\$200.00) per day for each subsequent violation to a maximum of five thousand dollars (\$5,000.00) per violation per day.**

(2) If the industry/permittee remains in full compliance for one year from the date the fine was assessed, the assessment cycle shall begin anew and any subsequent fines will be assessed as described above beginning at two hundred dollars (\$200.00) per violation per day.

D. Users desiring to dispute such fines may request a hearing pursuant to Section V-5 of these regulations. The fine assessed shall be paid notwithstanding the request for hearing. The Commission shall return the amounts paid, plus accrued interest, if the user's appeal is successful. The Commission may add the costs of preparing administrative enforcement actions, such as notices and order, to the fine.

E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. To the extent required by state or federal law, the Town of Lunenburg itself or acting through its Commission may commence appropriate civil proceedings in a court of competent jurisdiction simultaneously with the administrative processes commenced by the Commission to impose an administrative fine under this section. This subsection shall be incorporated into the Commission's Enforcement Response Plan as may be required by the EPA.

G. Upon a finding by the Commission of an illegal connection to the sewer system within the approved Sewer Service Area, the Commission shall levy a fine of a minimum of \$5,000 and may impose a fine of \$5,000 for each day thereafter per connection to the property owner. If multiple buildings that would have required separate connections per the current Regulations have been connected through a single connection, this fine will be multiplied by the number of legal connections that should have been made. For example, if two homes that should each have their own connection are connected through a single connection to the sewer line, the fine would a minimum of \$5,000 multiplied by two connections for a total of \$10,000. This fine does not include the re-engineering cost to correct the illegal connections, nor does it cover any other costs that would normally be required for a legal connection including but not limited to betterment or privilege fees, connection fees, permits, inspections etc. For illegal connections outside the approved Sewer Service Area, the minimum fine per user will be \$5,000/day.

H. Failure to disconnect or redirect sources of improper discharge shall result in a Sewer Inflow Penalty of a minimum of \$500 per month until the violation has been removed and verified by the Commission.

I. Failure to permit entry to premises for the purpose of inspection shall be subject to a civil penalty of \$50/day. Each day until access is permitted shall be deemed a separate offense.

J. These regulations may be enforced through non-criminal disposition procedures of G.L. Chapter 40, Section 21D and Section Article X, Section 3 of the Town's General Bylaws, or any other means allowed by law.

K. The Commission 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 Town.

L. In determining the amount of civil liability, the Town shall take into account 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.

M. See Appendix E – Lunenburg Building Access Regulation.

VI-3 Criminal Penalties

- A. Any user or person who violates any provision of these Regulations, a wastewater discharge permit or order issued pursuant to these Regulations or any pretreatment standard or requirement may be held criminally liable to the extent allowed by law.**
- B. Any person who makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by these Regulations or discharge permits or who falsifies, tampers with or knowingly renders inaccurate monitoring device or method required by these Regulations may be held criminally liable to the extent allowed by law.**
- C. A User who knowingly or with a wanton or reckless disregard causes or permits any substance to be introduced into the POTW, which causes personal injury or property damage, shall be held criminally liable to the extent allowed by law. This penalty shall be in addition to any civil fine or cause of action for personal injury or property damage available under State law.**

VI-4 Municipal Charge Lien

The Town shall impose a municipal charges lien within the meaning of MGL C. 40, § 58, for any fee or charge not paid by the due date established by the Commission.

VI-5 Cumulative Penalties

The penalties, remedies and sanctions established by these Regulations are cumulative and not exclusive. The Sewer Commission may pursue any or all or any combination of actions against a non-compliant user.

ARTICLE VII
Charges and Fees

VII-1 Purpose

A. It is the purpose of this Article to provide for recovery of costs from the users of the Town's wastewater disposal system for the implementation of the programs established herein. The applicable charges or fees shall be set forth herein.

VII-2 Adoption of Fees and Charges

A. The Sewer Commission may adopt charges and fees, which may include:

- (1) Fees for monitoring, inspections and surveillance procedures.**
- (2) Fees for reviewing accidental discharge procedures and construction.**
- (3) Fees for permit applications and licenses.**
- (4) Fees for filing appeals and DEP filings.**
- (5) Fees for consistent removal by the POTW of pollutants otherwise subject to federal pretreatment standards.**
- (6) Fees for connecting to municipal sewer.**
- (7) Betterment and privilege fees**
- (8) Project review fees,**
- (9) Other fees as the Sewer Commissioners may deem necessary to carry out the requirements contained herein.**

B. These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the town.

VII-3 Sewer User Charges

A. For all properties connected to the Lunenburg sanitary sewer system, an annual sewer user charge will be levied as authorized by Massachusetts General Laws, Chapter 83, Section 16. The Sewer Commission is empowered to set this rate annually or as otherwise necessary to recover all costs of operation and maintenance of the wastewater facilities. The costs will be proportioned to all users on the basis of the annual volume of waste treated, which will be computed from the property owners' metered water billing. The sewer user charge may be adjusted each year, as necessary to reflect the annual operation and maintenance costs of the Town's Sewer system.

B. The Sewer Commission is empowered to establish a minimum charge that would ensure user charges imposed on low water users cover the fixed costs of operating and maintaining the wastewater system.

(1) Minimum Charge Policy

If the water meter is on and there is no flow, there is still a minimum charge. If the water meter is off and it is confirmed that there is no flow during the billing period, the minimum charge may be waived.

- C. The Sewer Commission is empowered to establish a flat rate that would be equitable with other similar users in cases where properties do not have metered water records available (i.e. in the case of homes on private wells).
- D. The Sewer Commission is empowered to make appropriate adjustments in the sewer user charge in cases where significant quantities of water do not reach the sanitary sewer system.

(1) One-time Bill Adjustment Policy

A resident wishing to receive a one-time adjustment to their sewer bill will need to submit the appropriate Application for Waiver of Sewer Charges form to the Sewer Commission office.

- (a) If approved, the Sewer Commission will waive that portion of the water usage that is greater than the usage average of the last 4 quarterly bills. The amount of the waiver cannot reduce the billing amount below the current minimum. No waiver will be granted for any bill over 6 months old.

(2) Deduct Meter and Credit Program (Appendix K)

The purpose of this policy is to provide property owners connected to the Sewer System a means of deducting water usage from their sewer fees for water that does not enter the sewer system by means of installation and maintenance of an “Irrigation or Deduct Meter”. The use of this policy is not restricted to irrigation but in all cases is subject to the pre-approval of the Sewer Commission per the requirements of this policy.

There is an annual fee of \$50 for each irrigation meter to help defray the costs of administering this program. In order for a property owner to install a deduct meter on their property, they must have a licensed plumber pull a plumbing permit. Owners can contract with a licensed plumber to obtain a plumbing permit through the Building Department and must install the approved NEPTUNE equipment, as found on the Sewer Commission web page at lunenburgma.gov. and compatible with Lunenburg Water District reading device. Meters must read in cubic feet (cf). The Plumbing Inspector for the Town must inspect and approve the deduct meter installation.

When the Plumbing Inspector signs off on the installation, the property owner shall provide the signed Deduct Meter Application to the Sewer Commission along with a check for \$50 made out to the Town of Lunenburg. Once approved by the Sewer Commission, the location will be added to the list of deduct meters for the Water District to read at the same time the regular water meters are read. The completed application must be received by the Sewer Commission office 30 days prior to the start of the next bill period, or the readings will not take place until the following bill

period. At the time of the quarterly sewer billing, the deduct meter reading is deducted from the water reading and the homeowner receives a reduced bill for the water not entering the sewer pipes. The minimum charge applies at all times and at no time does the deduct meter usage credit reduce the quarterly billing amount below the minimum charge.

At all times the property owner is responsible for purchase, installation, maintenance, proper operation, and accuracy of the approved meter. If the meter readings are questioned by the Sewer Commission and/or found to be in question, it is the property owners' responsibility to have it serviced. Until the meter is confirmed to be in proper operating condition, there will be no credits given. If there is a problem with the meter and additional visits/readings are required, there will be a charge of \$25, which will be automatically assessed on the next quarterly sewer invoice.

All new installations or replacement meters must comply with all requirements set forth by the Sewer Commission or as specified in the Deduct Meter Policy.

The annual fee of \$50.00 will be assessed each year on the second quarterly sewer usage invoice of the new fiscal year. If the fee remains unpaid 30 days after it is sent out, a letter will be sent to each program participant. After 60 days, if the fee remains unpaid, they will be removed from the program and pay for full water usage without adjustment. If the fee is received after 60 days, the Sewer Commission must approve retroactively crediting the account for missed deduct meter credit.

To withdraw from the program, written notification must be provided 60 days prior to the next quarterly billing date.

- E. If any sewer user discharges waste to the public sewer system in excess of normal strength domestic wastes, the Commission may assess a surcharge for the additional costs for treating such waste.
- F. User charges shall be payable by the property owner on a quarterly basis, commencing from the time of connection to the Town sanitary sewer system. In cases of new construction or re-connection, connection will be determined by the date the water meter is turned on, and charges pro-rated by month accordingly. Billings shall be assessed against the property owner of record.

(1) Final Read Policy

Upon change of ownership, a final read invoice shall be generated and old and new owners shall be responsible for their respective proportionate share of user charges hereunder, prorated monthly.

The Sewer Connection Charge Policy (Appendix G – Sewer Connection Charge Policy) for the Lunenburg Sewer Service Area is as follows:

1. A minimum residential connection charge of \$2,250.00 shall be assessed to each dwelling unit (as defined by the Lunenburg Protective bylaw Section 2.1.1.13.) connecting to the Lunenburg Sewer System. Each separate unit of a multi-family dwelling shall constitute a separate residential connection.
2. For dwelling units in excess of three bedrooms, the connection charge shall be the minimum charge plus an additional \$550 for each additional bedroom beyond three bedrooms.
3. For mixed use residential and commercial buildings the connection charge shall be the minimum charge plus an additional \$550 for each bedroom beyond three bedrooms together with a charge of \$5 per gallon based upon water usage (in gallons) attributable to the non-residential uses of the property for the twelve month period immediately preceding the connection to the sewer divided by 365.
4. For non-residential structures the connection charge shall be the greater of the minimum charge or \$5 per gallon based upon total water usage (in gallons) attributable to the property for the twelve month period immediately preceding the connection to the sewer divided by 365.
5. For new non-residential structures the connection charge shall be the greater of the minimum charge or \$5 per gallon based upon Title 5 (310 CMR 15.203) of the State Environment Code of the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage. Notwithstanding the foregoing, the Commission, in its sole discretion, may review the application of these provisions to individual buildings and may reduce a connection charge for newly constructed non-residential structures if it appears that the application of the Title 5 flow calculations would result in an unfair assessment upon the building owner.
6. In addition, a charge of Two Dollars per gallon based on Title 5 flow criteria for Inflow/Infiltration (I/I) Sewer Bank.
Example: 1 Bedroom (1 x 110 gpd x \$2.00) = \$220.00
2 Bedroom (2 x 110 gpd x \$2.00) = \$440.00
7. The Sewer Re-Connection charge is a flat \$100.00 fee to apply to sites previously connected, that were either demolished or replaced, and a re-connection is necessary requiring a subsequent inspection by Sewer Department personnel.
8. 4:1 I/I Removal and/or Capacity Fee – For all new connections to the municipal sewer where proposed flows exceed 15,000 gallons per day, the proponent must remove 4 gallons of I/I for every gallon per day (gpd) of wastewater flow to be discharged. If there are not sources of I/I which, at the discretion of the Commission are appropriate for removal at the time of the permit, a monetary fee may be required. The revenue generated from the Capacity Fee shall be used towards reduction of I/I through studies to identify sources of I/I or remediation of known sources of I/I. This fee will be based on peak design flows and current treatment and transportation costs.

VII-5 Sewer Assessments

The Commission shall determine the method of assessment of betterments to cover the construction cost of public sewers to sewer users. (See Appendix B - Sewer Assessment By-Law)

At the time a new extension or connection which results in a privilege fee is approved or at the time of assessment of a new betterment, each affected property will pay a Reserve Capacity Fee amount that is in effect at that time. Effective July 8, 2014 the fee will be \$1.87 per gallon based on Title 5 flow criteria.

Example: 1) Three bedroom (3 x 110 gal x \$1.87) = \$617; 2) Four bedroom (4 x 110 gal x \$1.87) = \$823.

This revenue will be allocated to a separately tracked account that will be used to fund past and future costs of securing capacity for the Lunenburg Sewer System. (See Appendix J- Reserve Capacity Fee Policy)

ARTICLE VIII

Validity

VIII-1 Severability

If any provision, subsection, word, section or Article of these regulations is invalidated by any court of competent jurisdiction, the remaining provisions, subsections, words, sections and Articles shall not be affected and shall continue in full force and effect.

VIII-2 Repealer

All other regulations and parts of other policies and regulations inconsistent or conflicting with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict.

**Appendix A
Sewer By-Law (amended at May 2022 Town Meeting)**

LUNENBURG SEWER BYLAW

DEFINITIONS

Available Capacity - Available Capacity is flow that is available via intermunicipal agreement or other sources that has not been previously allocated by the Sewer Commission.

Bi-sected lots - a bisected lot is a property for which the line defining the sewer service area passes through the lot.

Commission - The duly elected or appointed Board of Sewer Commissioners

Protective bylaw - The Protective Bylaw is the Zoning Bylaw of the Town of Lunenburg

Reserve Capacity - The flow capacity reserved for use by property owners along the sewer ways.

Sewer Service Area - The geographical areas of the Lunenburg Sewer Service Area with boundaries as delineated on a map approved by the Sewer Commission and by Town Meeting vote.

Sewer Service Area Map – The map approved by the Sewer Commission and by Town Meeting vote delineating the Sewer Service Area and Sewer Service Zones.

Sewer Service Zone - An area located within the Sewer Service Area and as shown on the Sewer Service Area Map.

1.0 PURPOSE

It is the purpose of this by-law to regulate the connections to and extensions of the Town's sewer system, in order to preserve and manage limited treatment capacity pursuant to inter-municipal agreements.

Providing solutions for wastewater problems (i.e. failed septic systems with poor site conditions for upgrades) within the Sewer Service Area will be given priority.

2.0 SEWER SERVICE AREA

The Town of Lunenburg, acting by and through the Lunenburg Sewer Commission may lay out, plan, construct, maintain and operate a system or systems of common sewers within the Sewer Service Area. The provision of sewer service within the Sewer Service Area shall be under the jurisdiction and control of the Sewer Commission. No person shall extend or construct a sanitary sewer intended to be connected to any municipal common sewer to serve property, or any portion of a property, located outside the designated Sewer Service Area.

The Sewer Service Area and Sewer Service Zones are delineated on the Sewer Service Area Map as approved by the Town Meeting. The Sewer Service Area Map may be amended from time to time by vote of Town Meeting. The inclusion of a property, or portion of a property, in the Sewer Service Area may establish eligibility to connect to the sanitary sewer but shall not create an entitlement thereto. All sewer connections shall be subject to, and shall comply with, the provisions of this by-law, including but not limited to available capacity, capacity limitations and Sewer Commission approval(s), where required. Neither the boundaries of the Sewer Service Area nor the requirement that a property be located within said Sewer Service Area to be eligible to connect may be waived.

Prior to the initiation of a sewer project in any Sewer Service Zone as identified on the Sewer Service Area

Map, and prior to submitting an appropriation request to the Town, the Sewer Commission shall survey the landowners in said Sewer Service Area to determine whether a minimum of 2/3 of all affected owners support the installation of sewer service.

3.0 CONNECTION ELIGIBILITY

Developed parcels of land or portions of parcels of land located within a Sewer Service Zone that abut a public way in which a sewer has been laid shall be eligible to connect existing buildings to the sanitary sewer unless said property is subject to a waiver deed restriction.

Any undeveloped single family lot, undeveloped commercial or industrial lot, or any undeveloped parcel of land created out of a pre-existing developed lot, provided it has at least 50 feet of frontage along the sewer way located within the sewer district and provided it conforms to the requirements of the Lunenburg Protective Bylaw, shall be eligible to connect and shall be limited to 330 gallons per day of capacity. Additional capacity for said parcels may be granted by a majority vote of the Sewer Commission, subject to available capacity.

Sewer connections shall be located entirely on the property they are to serve. The connection must enter the property directly from the public way in which the sewer is located. No connections shall be allowed via an easement. A sewer line must remain within the parcel that it serves.

Notwithstanding the above, sewer connections may be installed in easements across adjoining properties, at the discretion of the Commission, through the issuance of a waiver under Section 10.0 of this bylaw.

No property or portion of a property, located outside of Sewer Service Zones shall be allowed to extend or construct a sanitary sewer.

Any lot bisected by a Sewer Service Zone boundary line may only install a sewer connection that serves buildings that are located within the sewer service zone lines.

4.0 SEWER EXTENSIONS

Owners of parcels of land or portion of parcels of land located within the Sewer Service Area not presently served by sewer may extend the existing sewer system to serve such parcels only at the discretion of the Sewer Commission subject to available capacity and only if otherwise in compliance with law and with the conditions of all permits.

Prior to granting approval for any sewer extension, the Commission may require the applicant to supply, at his/her own cost and expense, maps, plans, reports, specifications and other data which properly describe proposed work.

Upon approval, prior to commencement of work, the applicant may be required to post bonds, undertakings, guaranties and insurance policies in forms and amounts acceptable to the Commission to guarantee completion of the proposed work and restoration and to indemnify and save harmless the Town of Lunenburg and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work.

5.0 RESERVE CAPACITY

At the time of finalization of the betterment for a sewer project, the 100% build out utilization capacity

shall be established consistent with the number of assessments and capacity allotment. Ninety percent (90%) of this total capacity shall be held in reserve by the Sewer Commission for future use by the assessed properties that are equitably entitled to such capacity.

6.0 ALLOCATION OF CAPACITY FOR CHANGE OR EXPANSION OF USE IN EXISTING FACILITIES

The Sewer Commission may allow for increased allocation for the change of use, or expansion of use which results in an increased sewage design flow, in existing facilities within the Sewer Service Area subject to available capacity and subject to the assessment of privilege fees by the Sewer Commission under General Laws Chapter 83, Sections 17 and 20. A change of use or expansion of a preexisting use shall be defined as any undertaking on a property whether involving material changes to structures or not, which results in an increase of design flow on the property from the existing conditions pursuant to 310 CMR 15.000.

7.0 APPROVAL REQUIRED FOR CHANGE OR EXPANSION OF PROPERTY USE

Any proposed change or expansion of property use (as defined in Section 6.0) which results in an increase in flow allocation or change in type of flow (i.e. residential to commercial, or commercial to industrial) for a property within the Sewer Service Area shall be reviewed by the Sewer Commission. An application completed by the property owner on a form approved by the Commission shall accurately and completely indicate the existing use and the proposed use and the associated flows calculated pursuant to the State Sanitary Code. 310 CMR 15.000 Title V. At the discretion of the Sewer Commission, applications may be approved by the Sewer Commission based on available capacity.

8.0 ABANDONMENT OF SEPTIC SYSTEMS AT PROPERTIES TO BE SERVED BY MUNICIPAL SEWER

Within thirty (30) days of connection to the sewer system, the on-site subsurface sewage disposal system shall be abandoned in accordance with the Lunenburg Board of Health regulations and the State Sanitary Code, Title V.

9.0 REGULATORY AUTHORITY

The Sewer Commission is expressly authorized to promulgate rules and regulations effectuating the purposes of this by-law; provided, however, that neither the Commission's failure to promulgate a rule or regulation nor a legal declaration of the invalidity thereof shall act to suspend or invalidate the effect of the provisions hereof. Amendment(s) to the rules and regulations may be contemplated during regular, open meetings of the Commission. Prior to the adoption of any amendment, a public hearing shall be conducted with notice of said hearing published in a local newspaper at least five (5) business days in advance. At the discretion of the Commission, the hearing may be continued from time to time as necessary. Following adoption, the amendment(s) shall be posted on the Commission's Town website.

10.0 WAIVERS

Except as otherwise stated herein, the Sewer Commission reserves the right to waive, in its sole discretion, any provision(s) of this by-law and/or the rules and regulations adopted hereunder in situations that meet all the following criteria:

- (1) emergency circumstances threaten the safe and continued use of a property that a waiver may resolve;
- (2) alternatives to the waiver present an undue hardship to any person or entity affected thereby;

(3) the Commission deems it to be in the best interest of the Town of Lunenburg and not otherwise inconsistent with the purpose and objectives hereof.

Notwithstanding the above, no waiver shall be granted for a new commercial property.

Each request for a waiver shall be made in writing to the Commission, shall require a public hearing to be conducted with notice of said hearing published in a local newspaper at least five (5) business days in advance and, shall require an affirmative vote of approval by a super-majority in number of the Commission. In no event shall the Commission waive any requirement of the Massachusetts General Laws or any regulation adopted by the Commonwealth thereunder. There shall be no entitlement to a waiver; and the grant of a waiver in one instance shall not require the Commission to grant a waiver in any other."

**Appendix B
Sewer Assessment By-Law (May 2009)**

Sewer Assessment By-Law

Section 1. Assessments

A. General

- (1) Every person owning land abutting upon any way in which a main or common sewer has been laid out, and who enters or has entered his particular drain into such main drain or common sewer, or who by more remote means receives benefit thereby for draining his land or buildings, shall be assessed under the provisions of M.G.L. c. 83 section 14. The Sewer Commission shall have the power as set forth in M.G.L. c. 83 section 15, when ascertaining assessments as a betterment for construction, to apply a rate based upon a uniform unit method. A uniform unit method shall be based upon sewerage construction costs divided among the total number of existing and potential sewer units to be served after having proportioned the cost of special and general benefit facilities.**
- (2) Assessments under this section shall be ascertained, assessed, certified and committed to the Town Treasurer by the Sewer Commission. Such assessments may be made for all sewers, lateral sewers, pump stations and appurtenant works. Sewer betterment assessments and any sewer betterment policies which are adopted by the Town under M.G.L. c. 80 and M.G.L. c. 83 for particular public sewer construction projects shall follow the procedures set out herein below.**

B. Method of assessment: uniform unit.

- (1) The Town of Lunenburg shall assess sewer betterments based upon a uniform unit method. Each unit shall be equal to a single-family residence. Multiple family buildings and non-residential buildings as described herein shall be converted into units on the basis of residential equivalents. The total assessment for a particular sewerage construction project shall not be based on or limited by an estimated betterment. Revenue generated by said betterment assessment shall be equal to or shall cover the total project costs associated with design and construction of the sewers and pumping station, and appurtenant work.**
- (2) The Town shall levy assessments against all properties abutting a sewered street after acceptance of the entire pertinent construction contract(s) including finalization of all pertinent contractual documents. The date of acceptance shall be determined by the Sewer Commission. In the order of assessment, the Town**

shall designate the owner of each parcel on the preceding January 1st as liable for assessment under the provisions of the General Laws.

- (3) For assessment purposes, all properties receiving direct benefit from the sewerage system shall be converted into sewer units. Properties receiving direct benefit, either developed or undeveloped, shall be designated a number of sewer units under the following guidelines:
 - (a) Single-family dwellings shall comprise one (1) sewer unit.
 - (b) Multiple unit residential properties shall comprise a number of sewer units based on the following methodology:
 1. Residential properties such as apartments or multi-family homes shall be assessed one (1) sewer unit for each apartment with more than three (3) rooms. Residential units comprised of three (3) rooms or less shall be assessed one-half (1/2) of one (1) sewer unit for each such unit.
 2. Residential condominium complexes shall be assessed one (1) sewer unit for each dwelling unit.
- (4) Subdivisions shall be assessed one (1) sewer unit for each buildable lot except that a subdivision which pursuant to subdivision regulations of the Town of Lunenburg agreed to install and by the appropriate assessment date for betterments has actually installed a dry system in said subdivision shall not be assessed a sewer betterment fee per lot but shall be assessed a sewer privilege fee as set by Section 2 herein below. Certain lots not involving actual subdivision shall also be assessed as provided in Section 3(c) herein below.
- (5) a. Non-residential buildings, which shall include all industrial, commercial and municipal properties, shall comprise a number of sewer units based upon water consumption as follows: Sewer units = Non-residential water usage (gpd) / 300 (gpd). (Rounded up to the next whole number.) Non-residential buildings not metered for water use shall be assigned a water consumption volume based on Title 5 (Part 2, Section 13) of the State Environment Code of the Commonwealth

of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

b. When a single structure or building contains a non-residential use and a residential use and neither use is accessory to the other and the non-residential use does not receive municipal water service, such mixed use structure shall be charged a betterment only for the residential unit or use. This provision shall not apply in the following zoning districts as defined in the Town zoning by-law:

Retail Commercial; Commercial; Office Park and Industrial.

- (6) Undeveloped residential lots shall be converted into dwelling units on the basis of maximum number frontage and area requirements as directed in the zoning by-law in effect at the time of assessment. Each potential dwelling unit shall then comprise one (1) sewer unit; the owner of an undeveloped lot may apply pursuant to M.G.L. c. 83 section 19 to extend the time for payment as provided in Section 3 herein below. In addition, land classified as agricultural, horticultural, recreations, or forest land, upon the application of the owner, may have the betterment assessment suspended for so long as the land is devoted to that use pursuant to M.G.L. c. 61A section 18, M.G.L., c. 61B section 13, and M.G.L. c. 61 section 5.**
- (7) Undeveloped non-residential lots shall be converted into development lots on the basis of the maximum number of lots that may be created based upon the frontage and area requirements as required in the zoning by-law in effect at the time of assessment. Each potential development lot shall then comprise one (1) sewer unit; the owner of an undeveloped lot may apply pursuant the M.G.L., c. 83 section 19 to extend the time for payment as provided in Section 4 herein below. In addition, land classified as agricultural, horticultural, recreation or forest land, upon the application of owner, may have the betterment assessment suspended for so long as the land is devoted to that use pursuant to M.G.L., c. 61A section 18, M.G.L. c. 61B section 13, and M.G.L. c. 61 section 5.**
- (8) Nothing in this section shall supersede the language of Section 2 herein below concerning a compensatory fee for increase in the use of the land.**

C. Betterment payment.

- (1) The provisions of the General Laws relative to the assessment, apportionment, division reassessment, abatement and collection of sewer assessments shall**

apply. The Tax Collector of the Town of Lunenburg shall have all of the powers conveyed by the General Laws. In accordance with M.G.L. c. 80 section 12, assessments made shall constitute a lien upon the land assessed until the full balance is paid. Once a selection has been made, the payment method may not be changed at a later date; however, the balance of the principal due on any lien may be paid in full at any time.

Upon the transfer of title to a new owner, the seller/transferor shall immediately notify the Town Treasurer/Collector and Town Assessors. After transfer of title, the betterment lien may be transferred. The betterments may be paid in full to the collector's office without interest or charges within thirty (30) days of the date of assessment.

D. *Abatements and deferrals.*

(1) ***Unbuildable lot.*** A property owner may request of the Building Inspector a formal written opinion which declares that under the then current Town zoning by-law, the lot(s) which have been assessed a sewer betterment is not buildable without issuance of one (1) or more variances under the applicable zoning by-law provisions. This letter must be filed permanently with the Building Inspector and with the Zoning Board of Appeals. Upon issuance of the opinion, the property owner may then file an application for abatement with the assessing board which shall include a certified copy of the building inspector's opinion and which shall require a notarized statement that the owner and any subsequent purchaser or their assigns or agents shall not apply for a variance to make the lot buildable.

A property owner may file a notice of intent to construct a dwelling with the Town Conservation Commission for one (1) or more lots that have been assessed a sewer betterment. Following the regular hearing procedures of the Conservation Commission for any such notice, if the commission issues a formal denial of the notice of intent to construct a dwelling, and if all such documents which are otherwise required by law to be filed with the Registry of Deeds have been so filed, then the property owner may file with the assessing board an appeal action for abatement so long as the owner did not appeal the denial. The appeal action shall include a certified copy of the denial of the notice of intent to construct a dwelling.

All such abatements that are issued by the assessing board under this Section 1(d)(1) shall also be permanently filed with the offices of the Building Inspector

and the conservation commission. All applications and orders or opinions issued under this section shall state that the property owner has voluntarily requested that the property be found unbuildable and that the property owner fully understands all consequences stemming from such determination.

- (2) ***Age and income.*** A property owner may defer the betterment assessment as provided in M.G.L. c. 80 section 13B, which has been accepted by the Town of Lunenburg, if they are sixty-five (65) years of age or older and qualify under M.G.L. c. 59 section 5, Clause 41A. However, the transfer of lien provision, Section 3(c), betterment payments, shall not apply to deferrals as provided for in this section, in compliance with M.G.L. c. 80 section 13B.

Section 2. Compensatory sewer privileges fee; increase in use of land

Notwithstanding the other provisions of this Sewer Assessment By-Law, if a betterment has: (i) been assessed to a property based upon the estimated number of developable sewer units as required by this article or a sewer betterment policy adopted by the Sewer Commission and said property is ultimately developed to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, and/or (ii) been assessed to a developed parcel and later in time the use of that parcel is increased to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, then the Town shall assess a compensatory sewer privilege fee to reflect the increased use. This fee shall be equivalent to the amount that would have been charged as a betterment assessment upon the additional uses or units at the time of the original assessment. Apportionment of this fee shall be permitted only if specifically requested at the time of assessment and only for a period of ten (10) years or less. Apportioned sewer privilege fees shall bear interest at the same rate charged for the most recent Town sewer project betterments.

Section 3. Laying out and payment for particular sewers connecting with common sewer or main drain and sewer privilege fee

- (a) **Whenever any land is connected with a common sewer or main drain laid out by the Sewer Commission in a public way, the Commission shall, at the expense of the Town, lay the particular sewer providing such connection from the common sewer or main drain to the boundary of the way. When a common sewer or main**

drain is constructed in a public way, the Sewer Commission may lay such particular sewers from the common sewer or main drain to the boundary of such way as may be necessary, in the opinion of the Sewer Commission, to connect land abutting on such way with such main drain or common sewer. The owner, of any land having direct access to a main drain or common sewer via a sewer constructed to the boundary of a public way as aforesaid, may make application to the Sewer Commission to connect any buildings on said land to the common sewer. Any such connection as may be approved by the Sewer Commission shall be in accordance with all rules and regulations as may be from time to time promulgated by the Sewer Commission.

- (b) The owner, of any land benefited by the layout of a particular sewer from the common sewer to the boundary of the way, shall pay to the Town for the permanent privilege of using the same, such reasonable amount as the Sewer Commission may determine, under the provisions of M.G.L. c. 83 section 24 and; the amount so determined shall be assessed, certified and committed to the Town Treasurer by the Sewer Commission.
- (c) Notwithstanding the provisions of Section 1 hereinabove and Sections 3(a) and (b), the owner(s) of a subdivision which pursuant to the regulations of the Planning Board who has/have been required to construct a sanitary sewer, shall not be assessed a sewer betterment fee but shall be assessed a sewer privilege fee on a per lot basis in lieu of a betterment. Such fee shall be assessed at the time that the subdivision dry sewer is connected to the main sewer and may be subject to apportionment. In addition, regardless of whether or not a subdivision is involved, any applicant for a sewer extension permit shall at the time such sewer extension is completed pay such privilege fee. The fee shall be determined by the Sewer Commission and shall not exceed one hundred (100%) percent of the betterment for the most recent sewer project.

Section 4. Land not built upon; extension of time for assessment

Any land not built upon at the time of a sewer betterment assessment may upon application of the landowner receive an extension of time for the payment of the assessment until the land is built upon. Interest at the rate of four (4) percent per year shall be paid annually upon the assessment from the time it was made. The assessment shall be paid within three (3) months after such land is built upon.

Section 5. Maintenance of Sewer Works

A. Main Drains and Common Sewers.

It shall be the responsibility of the Sewer Department to maintain all main drains and common sewers in the Town of Lunenburg. Privately built main drains, common sewers, and appurtenances including pumps, pumping stations and force mains etc. shall not be maintained by the town unless and until said main drains, common sewers and all appurtenances have been accepted by the sewer commission and ownership of and, access to, said main drains, common sewers and appurtenances has been granted by the owner thereof to the Sewer Department.

B. Sewer Services and Sewer Connections.

It shall be the sole responsibility of the property owner to maintain all connection pipes and any other components necessary to connect the buildings or structures on said property to the main drain or common sewer including the physical connection ("Y" or "T" Connection or entry to a manhole) to the main drain or common sewer and the main or mains running from said main drain or common sewer to the property line of the property owner.

Appendix C

Rules and Regulations for Oil and Grease Traps/Interceptors for Food Establishments
(Accepted at Public Hearing 2/28/23)

RULES and REGULATIONS FOR OIL & GREASE TRAPS / INTERCEPTORS FOR FOOD ESTABLISHMENTS

Appendix C of the Sewer Use Regulations

Accepted 2/28/23

I) AUTHORITY

The Sewer Commission of the Town of Lunenburg, Worcester County, Massachusetts, acting in accordance with the provisions of Chapter 83, Section 10, of the Massachusetts General Laws as amended, has adopted the following rules and regulations.

II) PURPOSE

The purpose of this regulation is to protect residents, businesses, and the environment within the Town of Lunenburg from blockages of the Town's Sewer System caused by the accumulation of grease in the sewer system. These blockages can cause backups and overflows into residences and other buildings, and the environment, and are a serious health concern.

III) DEFINITIONS

Agent - means any duly authorized agent of the Lunenburg Sewer Commission, as specified in the Sewer Use Regulations, as amended.

Grease - A material, either liquid or solid, composed primarily of fat, oil, and grease (FOG), from animal and vegetable sources. In Food Service, there are two types of waste FOG generated during food preparation and cleaning processes: BROWN GREASE is grease that is recovered from grease traps and interceptors. YELLOW GREASE is inedible oil and grease that comes directly from fryers and other cooking equipment.

Food Service Establishment - is defined as any establishment issued a Permit to Operate a Food Establishment by the Lunenburg Board of Health or any other non-residential establishment that creates grease as a by-product of food preparation. Also covered by this definition is any property, non-residential or residential, that is used to dispose of cleanup waste from a mobile food service establishment. Both the owner of the premises where a grease trap is required and the owner or operator of the establishment or business conducted on the premises, shall be jointly and severally responsible for installing a grease trap acceptable to the Commission, for properly servicing and maintaining the grease trap, and for payments of all fees associated therewith including, but not limited to, non-compliance fees.

Grease Trap - A grease control device that is used to serve individual fixtures (internal unit). The device is located adjacent to or in close proximity to a kitchen fixture, and is designed to collect, contain or remove food wastes and grease from the kitchen waste stream, allowing the liquid portion to discharge to the sewer system.

Grease Interceptor/Tank - A multi-compartmented device (external unit) located underground and outside of a food service establishment designed to collect, contain, and remove food wastes and FOG from the kitchen waste stream, while allowing the liquid portion to discharge to the sewer system. FOG is separated from the kitchen waste stream by gravity as it moves from one compartment to another.

Industrial Pretreatment Program (IPP) - is a federally mandated program required to oversee non-domestic discharges to a publicly owned treatment works (POTW).

Industrial Wastes - shall mean the liquid wastes from industrial manufacturing processes, trades or businesses as distinct from sanitary sewage.

Noncompliance Fine - Fine assessed for failure to comply with the requirements of this Regulation in accordance with Section VI of this regulation.

Permitted Waste Hauler - means any Hauler that is issued a Permit to Haul (waste material) by the Lunenburg Board of Health.

Publicly Owned Treatment Works (POTW) or Sewage Works - A treatment works is defined by Section 212 of the Act, (33U.S.C. 1292). This definition includes any sewers that convey

wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this regulation, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.

Twenty-five Percent Rule - Standard for the determination of grease trap or interceptor maintenance requirements to ensure that minimum design requirements for FOG removal are met, such that the combined FOG and solids accumulation in the tank does not exceed 25% of the operating depth (design hydraulic depth) of the tank. The operating depth is the depth from the outlet pipe to the bottom of the tank. The Sewer Commission may require the use of the manufacturer's recommended cleaning level if it is stricter than this standard.

User - Any person who contributes, causes, or permits the contribution of wastewater into the Town's POTW.

IV) GENERAL PROVISIONS

A) Annual Permit Fees

Annual Permit Fees shall be assessed to each establishment regulated under this regulation. The Sewer Commission will provide an application form to collect the information required for approval. Completed forms and Permit Fees will be due 30 days prior to the annual effective date of August 1st of each year. If an approved Permit is not issued by the Sewer Commission by this date, the establishment will not be allowed to dispose of wastewater from fixtures that require a grease trap/interceptor into the Sewer System. In such a case, the Board of Health will be notified. The Annual Permit fee is:

1. ESTABLISHMENT WITH INTERNAL GREASE TRAPS ONLY: \$150.00

2. ESTABLISHMENTS WITH EXTERNAL GREASE INTERCEPTORS: \$150.00

These annual permit fees are separate and distinct from any monetary penalties assessed in direct response to violations in accordance with Section VII of this regulation.

No renewal application will be accepted or processed for any property with outstanding, unpaid fees or penalties.

B) Documentation required with the Permit application

All establishments for which this regulation applies, new or existing, are required to provide a schematic drawing of the wastewater system for their facility that includes all equipment and drains (including floor drains) that are connected to the Sewer System. In addition, a list of equipment, maximum flow rates and equipment manufacturer's specification must be provided in the initial year of application. These documents must be updated upon any renovations or new installations to be kept on record at the Sewer Commission office. Particular attention should be paid to the specified capacities of any grease traps and/or interceptors consistent with application of the 25% rule.

C) Postings

Per the Massachusetts Uniform State Plumbing Code 248 CMR 10:09, all establishments are required to post Maintenance Log(s), which shall be posted at all times in a visible location near the grease trap. In addition, a laminated sign shall be stenciled on or in the immediate area of the grease trap or interceptor in letters one-inch high. The sign shall state the following in exact language: **IMPORTANT: This grease trap/interceptor shall be inspected and thoroughly cleaned on a regular and frequent basis. Failure to do so could result in damage to the piping system, and the municipal or private drainage system(s).**

D) Grease Trap / Interceptor Installation

Whenever a Food Service Establishment or non-residential entity is preparing food, or any other activity in which grease is a by-product of production, a suitable grease trap/ interceptor conforming to applicable Sewer Use Regulations and Plumbing and Building Codes may need to be installed. In Food Service Establishments required by a state or local agency to install a three-basin sink, the Sewer Commission requires the installation of a grease trap in compliance with the Massachusetts Uniform State Plumbing Code 248CMR 10:08.

The Sewer Commission may, at any time, require the installation, upgrade and/or relocation of an internal grease trap or external grease interceptor, as it may deem necessary to maintain any particular building sewer pipe, any lateral sewer pipe, or sewer main pipe free from obstructions caused by fats, oil or grease emanating from a Food Service Establishment, in accordance with 248 CMR 1.00 - 7.00, and any other applicable Federal, State, or Local Regulation or By-law.

E) Commercial Properties

Property owners of commercial properties or their official designee(s) shall be responsible for the installation, permitting and maintenance of an external grease interceptor serving multiple food establishments that are located on a single parcel or development.

F) Food Service Establishments – New, Remodeled or at Change of Ownership

All new or remodeled Food Service Establishments, or those experiencing a change of ownership, may need to have installed an appropriate type and size grease trap and / or interceptor based on the following guidelines and subject to prior approval by the Sewer Commission and the Plumbing Inspector for the Town of Lunenburg.

- 1) Design of Grease Traps and Interceptors for all Food Service Establishments shall be in accordance with the requirements of the MA Uniform Plumbing Code, 248 CMR 10.09.
- 2) Internal Grease Traps shall be based on Plumbing and Drainage Institute (PDI) sizing and installation data, in accordance with the appendix to the PDI Standard PDI-G101 and shall utilize only those units approved by PDI. These units shall also include a sample port on the effluent Tee.
- 3) All new and remodeled Institutions, or those experiencing a change of ownership, including but not limited to schools, colleges, churches, hospitals and nursing homes, and housing complexes with kitchen facilities, may need to have installed an appropriately sized external in-ground grease interceptor.
- 4) All new and remodeled Food Service Establishments, or those experiencing a change of ownership, may need to have installed an appropriately sized external in-ground grease interceptor. Existing facilities will be required to be retrofitted with an exterior grease trap if grease discharge fouls sewer lines and the owner of the facility is unable to attain compliance with discharge requirements of these rules and regulations.

G) Restrictions and Prohibitions

In addition to the prohibitions detailed elsewhere in the Sewer Use Regulations, the following restrictions apply:

- Sink water temperatures will not exceed 140 degrees Fahrenheit.
- Dishwashers shall be discharged through an internal grease trap or external grease interceptor per the requirements of 248 CMR 10.09, regardless of water temperature.
- Food Waste Grinders are not allowed to be connected to an internal grease trap or external grease interceptor per 248 CMR 10.09.
- The use of emulsifying agents such as solvents, acids and caustics, and other toxic and or hazardous chemicals, and petroleum products known to have uses as a de-clogger or degreaser is prohibited.
- The use of bacterial or enzymatic treatments to improve discharge flow is prohibited, except in certain cases prior approval may be obtained from the Sewer Commission. Any such usage shall not be a substitution for adequate maintenance.

H) Exemptions

The following Food Service establishments are exempt and will not be regulated under these Rules and Regulations:

- 1) Any establishment that is not connected to the Town's POTW.
- 2) Any establishment not required to have a grease trap under the Massachusetts Plumbing Code.
- 3) Establishments that do not prepare food, do not use fats, oil, and grease, and which do not provide seating or other facilities for the consumption of food on the premises.
- 4) Non-cooking Establishments that do not use fats, oil, and grease, and:
 - which only prepare beverage items like coffee, tea, soda or
 - are primarily engaged in the preparation of precooked food items that do not require any form of cooking, such as frozen food preparation/serving establishments.

I) Internal Grease Trap Maintenance

The owner and/or operator of an establishment subject to these regulations shall open and inspect all Grease Traps on a weekly basis, at minimum. At the time of each inspection, a measurement of the grease plus sludge must be taken and recorded. The unit shall be completely cleaned out when the grease/sludge approaches 25% of capacity or as needed. Inlet/outlet pipes and baffles shall be inspected and maintained free of all caked on FOG and residual waste. The units shall be cleaned out a minimum of once per month, or an establishment may request permission to utilize the 25% Rule or manufacturer's recommended cleaning level to determine site specific cleanout frequency. Any inspections, including the amount of grease and sludge measured (%), maintenance, repairs, etc. shall be documented on the Maintenance Log(s), posted in a visible location near the grease trap. In addition, the owner and/or operator shall submit written documentation of such inspections, maintenance, repairs, etc. to the Sewer Commission no later than the first Tuesday of each month, unless the Sewer Commission approves a longer period. If all of the equipment/drains of the establishment are connected to an external interceptor, submission of monthly reports is not required. It is specifically prohibited to maintain a grease trap / interceptor by bacteriological, enzymatic, or chemical addition or treatment.

J) External Grease Interceptor Maintenance

All required inspections will be managed and paid for by the Sewer Commission as long as the establishment has paid the appropriate Permit Fee. It is the responsibility of the Food Service Establishment to, at a minimum, clean out the interceptor once every 6 months. Additional cleanouts may be required by the Sewer Commission based on inspections and the 25 % Rule or manufacturer's recommended cleaning level. The unit shall be maintained in an efficient operating condition at all times. Cleanouts shall be performed by a licensed hauler and shall include the complete removal of all the contents and cleaning of the unit. Top skimming of outdoor grease traps, decanting, and back flushing of the grease interceptor to reduce the volume to be hauled is prohibited. The Hauler shall provide written documentation to the establishment on the services provided, date, amount (%) of grease and sludge prior to cleaning, quantity of material removed, and disposal facility. The owner or operator shall maintain this documentation on site and have available for inspections. Any inspections, monthly depth measurements to comply with the 25% Rule, maintenance, repairs, etc. shall be documented on the Maintenance Log, which shall be maintained and posted on site at all times in an accessible location. In addition, the owner and/or operator shall submit a completed Interceptor Service Report to the Sewer Commission within 30 days of such action.

K) Waiver for Grease Traps & Interceptors

An establishment which generates very little or no Fats, Oil and Grease, may request a waiver of the requirements of these rules and regulations. The request must be clear and specific, and

include the quantity generated, how it is generated, method of disposal, and any other pertinent information supporting the request. All such requests will be reviewed, and a determination made within 30 days of receiving the request. All establishments which receive a waiver will be required to inspect the grease trap(s) or interceptor(s) every 6 months and clean out the grease trap(s) or interceptor(s) at least once per year unless the Sewer Commission requires a more frequent schedule. Written and signed documentation of maintenance activities will be maintained on-site and available for inspection.

In addition, a Food Service Establishment may apply for a waiver from this regulation if the establishment can demonstrate that it is impossible or impracticable to operate or maintain an interceptor at that location. Any request must include alternative pretreatment for managing FOG from the establishment. Consideration will be given but not limited to the following scenarios: inadequate space for the installation or maintenance of a unit, inadequate slope for gravity flow between fixtures and unit or unit and public sewer. Every waiver request shall be made in writing, and it shall reference the specific provision of the rules and regulations for which the waiver is sought. The applicant shall provide technical documentation that demonstrates that an equal amount of environmental protection can be attained without full compliance with these rules and regulations. A copy of said request shall be sent to the Lunenburg Board of Health by the establishment.

Any waiver allowed by the Sewer Commission shall be issued in writing and a copy sent to the Lunenburg Board of Health. A waiver may contain additional requirements specific to the location including but not limited to alternative equipment, sampling and analytical requirements, reimbursement of costs associated with sewer monitoring and maintenance, and implementation of additional Best Management Practices. Any denial of a waiver request shall also be issued in writing and shall contain a statement of the reasons for a denial. Written notification to the applicant shall be completed by the office of the Sewer Commission within 30 days of receipt of a complete application. All documents relating to the request, approval or denial of a variance shall be kept on file in the office of the Sewer Commission and shall be available to the public during the regular hours of operation.

L) Waste Fats, Oil & Grease Storage and Removal

Waste grease and oil shall not be disposed of in the sanitary sewer. Waste fats, oil and grease of substantial quantity (over 5 lbs.) for re-use or disposal off-site must be collected in an appropriate container provided by an approved vendor and stored in an approved location on the premises. The container must be stored on an impervious surface such as concrete or pavement. Containers must be capable of being sealed to prevent entry of precipitation or stored in a sheltered area. During storage, all grease containers and surrounding areas shall be maintained in a clean and sanitary condition at all times. For containers and a grease interceptor, the waste material shall be removed by a professional hauler, licensed by the Lunenburg Board of Health, and shall include the complete removal of all contents.

V) RECORDKEEPING, ENFORCEMENT AND INSPECTION

The Sewer Commission shall enforce the provisions of this regulation. Authorized agents of the Lunenburg Sewer Commission (Agent) bearing proper credentials may enter any premises at any reasonable time to inspect for compliance with this regulation. Such authority shall not impinge on any authority vested in the Lunenburg Board of Health. The owner and/or operator shall allow said Agent 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. Where an owner/operation has security measures in force, which require proper identification and clearance before entry into its premises, the owner/operator shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Agent will be permitted to enter without delay for the purposes of performing specific responsibility.

- b. The Agent shall have the right to set up on the owner /operator's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- c. The Agent may require the owner/operator to install monitoring equipment complying with Plumbing and Drainage Institute's Testing and Certification requirement for Grease Interceptors with FOG Sensing and Alarm Devices (PDI G102). The monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner/operator at its own expense.
- d. Any temporary or permanent obstruction to safe and easy access to the establishment to be inspected and/or sampled shall be promptly removed by the owner/operator upon the written or verbal request of the Agent and shall not be replaced. The costs of clearing such access shall be borne by the owner/operator.
- e. Unreasonable delays in allowing the Agent access to the establishment shall be a violation of this regulation.

All records pertaining to purchasing, storage and removal of grease related products shall be retained by the owner or operator on the premises for a period of three years. This shall include the Small Commercial Discharge Authorizations and Inspection / Maintenance Forms, hauler receipts, manifests/bills of Lading, and a complete inventory of all food and maintenance related products that are purchased by the establishment. In accordance with any requirements specified in the Small Commercial Discharge Authorization, or upon request by an agent of the Sewer Commission, an owner or operator shall furnish all information required to enforce and monitor compliance with this regulation. In addition, the owner and/or operator shall submit written documentation of such removal of grease to the Sewer Commission and the Lunenburg Board of Health within 30 days of such action. The Sewer Commission will provide a recommended form for required documentation.

VI) GREASE TRAP REVIEW POLICY

When reviewing an application for, or when conducting inspections in relation to permits for Food Service Establishments which are within its legal jurisdiction to review and inspect, the Sewer Commission may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related for the said permit. The Sewer Commission may require that applicants pay the cost of a project review fee, consisting of the reasonable costs incurred for employment of outside consultants engaged by the Sewer Commission to assist in the review of a proposed project.

In hiring outside consultants, the Sewer Commission may engage engineers or other appropriate professionals who can assist the Sewer Commission in analyzing a project to ensure compliance with all relevant laws, ordinances, and other regulations such as they relate to the project at hand. Such assistance may include, but not be limited to, analyzing an application, monitoring, or inspecting a project or site for compliance with the Commission's regulations, or inspecting a project during construction or implementation.

VII) VIOLATIONS & PENALTIES

Written or electronic notice of any violation of this regulation shall be given to the owner and/or operator by an Agent of the Sewer Commission, specifying the nature, time and date of the violation, any preventative measures required to avoid future violations, and a correction time frame.

Failure to comply with the reporting requirements specified in this regulation may result in an automatic Noncompliance Fine of \$100.00.

Continued noncompliance with any requirement of this regulation, or failure to correct an existing violation may result in a Noncompliance Fine of \$25.00 per day of violation retroactive to the start of the noncompliance until compliance is achieved.

The Sewer Commission may, after providing opportunity for a hearing, suspend the permit issued under this regulation, and will notify the Lunenburg Board of Health accordingly. During this time, the permittee may not discharge any fats, oil and grease (FOG) - bearing wastewater to the municipal sewer system. Continued operation without a valid discharge authorization or permit may result in the termination of sewer service.

This process can be initiated for:

- 1) Lack of or suspension of Annual Permit
- 2) Serious or repeated violations of this regulation.
- 3) Interference with the authorized agents of the Sewer Commission in the performance of their duty.
- 4) For keeping or submitting any misleading or false records or documents required by this regulation.
- 5) Recurring Noncompliance with the terms and provisions of the Small Commercial Discharge Authorization.

In accordance with the Sewer Use Regulations as amended, any person that violates these regulations shall be liable for any expense incurred by the Town as a result of such violation, including but not limited to, any or all of the following costs: legal costs or fees; administrative fees; loss; disposal, cleanup or maintenance fees; penalties; or damages.

VIII) HEARING

The person or persons, to whom any order or notice pursuant to this regulation has been issued, may request a hearing before the Sewer Commission. Such request shall be in writing and shall be filed in the office of the Sewer Commission within ten days after receipt of the order or notice.

IX) SEVERABILITY

Each provision of this Regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect. The invalidity of any section, clause, sentence or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part or parts.

Appendix D
Sewer Extension Regulation
(Accepted at Public Hearing 2/28/23)

LUNENBURG SEWER EXTENSION REGULATION
(Accepted 2/28/23)

1.0 PREFACE

All sewer extensions must conform to the Sewer Use Regulations of the Town of Lunenburg and to Section 4.0 of the Sewer By-law, adopted at Town Meeting May 2, 2009, and Chapter 185, of the Acts of 2010, AN ACT RELATIVE TO THE SEWER SERVICE AREA FOR THE TOWN OF LUNENBURG, referenced below:

SEWER EXTENSIONS

Owners of parcels of land or portions of parcels of land located within the Sewer Service Area not presently served by sewer may extend the existing sewer system to serve such parcels only at the discretion of the Sewer Commission subject to available capacity and only if otherwise in compliance with law and with the conditions of all permits. See Article II, Building Sewers, Connections, and Extensions.

Prior to granting approval for any sewer extension, the Commission may require the applicant to supply, at his/her own cost and expense, maps, plans, reports, specifications and other data which properly describe proposed work.

Prior to the initiation of a Sewer Extension project in any Sewer Service Area as identified on the Sewer Service Area Map, and prior to submitting a Sewer Extension application to the Sewer Commission, the applicant shall notify the Sewer Commission of the Sewer Service Area affected and the Sewer Commission or its agent(s), shall survey such landowners to determine whether a minimum of two-thirds (2/3rds) of all affected owners support the installation of sewer service.

All development and construction shall be consistent with Article II of the Town of Lunenburg Sewer Use Regulations and shall be monitored in accordance with the Sewer Use Regulations of the Lunenburg Sewer Commission.

Upon approval, prior to commencement of work, the applicant shall be required to: (i) post bonds, undertakings, guaranties and insurance policies for the full amount of the project in forms and amounts acceptable to the Commission to guarantee completion of the proposed work and restoration; (ii) the applicant shall indemnify and save harmless the Town of Lunenburg and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work and provide verification acceptable to the Sewer Commission of insurances; and (iii) obtain from some or all of the owners to be served by the extension (as determined by the Sewer Commission) an executed and acknowledged covenant in form suitable for recording with the Northern Worcester County Registry of Deeds or filing with the Worcester Registry District of the Land Court to create a lien upon the property to be served to ensure collection of any privilege fee that may be assessed hereunder and to provide that the owner and the owner's successor and assigns shall not seek an abatement of such privilege fee and acknowledges the validity of the privilege fee, which covenant may state a maximum amount for the privilege fee to be assessed and such other terms and conditions as the Sewer Commission shall reasonably require.

2.0 PURPOSE

The purpose of this regulation is to provide for the orderly development of wastewater systems to meet the needs of the citizens of Lunenburg within the Sewer Service Area. Please note that although an effort was made to make this document complete and reflective of Lunenburg requirements for new customers who wish to connect to the system, other regulations may be applicable. As a result, contact should be made with Lunenburg Department of Public Works officials administering this program on a continued basis to ensure familiarity and compliance with the most current policy standards and procedures prior to planning a sewer system extension. The Lunenburg Sewer Commission reserves the right to revise this regulation and other related policies.

3.0 DEFINITIONS

Available Capacity - Available Capacity is flow that is available via inter-municipal agreement or other sources that has not been previously allocated by the Sewer Commission.

Engineer – A person registered as a Professional Engineer in good standing with the Massachusetts State Board of Registration for Professional Engineers and Land Surveyors.

Extension - Any sewer line lengthening required to connect a sewer service to a large main or sewer lateral to an outfall sewer or major trunk sewer.

Public Works – The Lunenburg Department of Public Works.

Sewer Service Area – The map approved by the Sewer Commission and by Town Meeting vote May 2, 2009 delineating the Sewer Service Area and Sewer Service Zones.

Sewer Service Zone - An area located within the Sewer Service Area and as shown on the Sewer Service Area Map.

4.0 GENERAL REQUIREMENTS FOR ALL EXTENSIONS:

1. No property, or portion of a property, located outside the Sewer Service Area shall be allowed to extend or construct a sanitary sewer.
2. There must be sufficient available capacity to accommodate the proposed expansion.

5.0 APPLICATION PROCESS

1. Applicant(s) must submit a formal application to the DPW Director on a form approved by the Sewer Commission.

2. The DPW Director, or his agent, shall make a site inspection to check topography, current manhole locations, etc. Following inspection the DPW Director or his agent shall provide a written recommendation to the Sewer Commission.
3. The applicant shall notify the Sewer Commission of the Sewer Service Area affected and the Sewer Commission or its agent(s) shall have survey landowners to verify that a minimum of two-thirds (2/3rds) of all affected owners support the installation of the sewer extension.
4. The Sewer Commission shall hold a hearing at which time the applicant(s) shall be given the opportunity to present their request to the Commission. Following said hearing the Sewer Commission shall make a determination as to whether they will consider an extension; the applicant shall be notified in writing.
5. Extension approvals shall be valid for six months unless extended by a vote of the Sewer Commission.
6. Any property connecting to the sewer system shall be required to pay a connection fee as determined by the Sewer Commission.

6.0 GENERAL SPECIFICATIONS

1. Sewer extensions shall be installed on the property they are to serve; no extension shall be allowed within an easement unless expressly authorized by the Sewer Commission through the issuance of a waiver under the Sewer By-law.
2. Sewer lines must remain contiguous with the parcel that it serves. Absent a waiver as aforesaid, frontage on the sewered way and point of connection must also be the point of access to the property.
3. Only one residential/commercial parcel may connect to a sewer lateral.

4. At full completion, as determined by the Sewer Commission, all main lines within the public way shall be owned by the Town of Lunenburg. The Town is responsible solely for the sewer main; not individual laterals.
5. Substantial completion shall be determined by the Commission or its agent after successful completion of the required testing of the main and all structures (e.g. vacuum testing of manholes and air testing of sewer mains).

7.0 EXTENSION SUBMISSION REQUIREMENTS

1. The applicant shall submit an engineered plan drawn by a registered professional engineer for review and approval by the Sewer Commission.
2. The design must be designed and sized consistent with the build out plan of the Comprehensive Wastewater Management Plan for the zone in which the extension is proposed.
3. The Sewer Commission may require peer review of the engineered plan submitted to be paid for by the applicant.
4. The main shall be engineered to the mid line, at a minimum, of the frontage of the property to be served by the extension.
5. The installer would be required to install the proposed new main consistent with current regulations, policies and guidelines as directed by an agent of the Sewer Commission.
6. Upon approval and prior to commencement of any work, the applicant or his agent shall be required to post a performance and/or surety bond, undertakings, guaranties and insurance policies for not less than the full amount of the project in forms and amounts acceptable to the Commission to guarantee full completion of the proposed work and full restoration. The applicant shall indemnify and save harmless the Town of Lunenburg and its officers, agents, servants and employees from damage or loss arising out of or in connection with the work and provide verification of such insurances acceptable to the Sewer Commission. Guarantees shall be in place for a minimum of one year following substantial completion.

7. All Sewer Extension projects shall be completed as stated in the schedule provided by the applicant and approved by the Sewer Commission prior to commencing work. Any unreasonable or substantial delay shall be considered noncompliance with the Sewer Commission's approval.. Upon the Sewer Commission providing notice in writing of any unreasonable or substantial delay to any contractor, engineer, parties responsible for the construction of a sewer extension, the responsible party will have 10 days to bring the project up-to-date according to the schedule provided by the applicant. Any further delay may result in an execution of any bond for performance.

8.0 PRIVATELY FUNDED EXTENSION

1. This Section shall apply only to extension(s) that are constructed by private parties and not by the Town of Lunenburg.
2. For such privately-funded extensions, the application shall be signed by all those property owners who have agreed to share proportionally in the cost of such extension; the applicant need not supply a signed petition verifying that a minimum of two-thirds (2/3rds) of all affected owners support the installation of a sewer extension, provided that, prior to construction, those owners who signed the application deliver to the Sewer Commission an executed and acknowledged covenant in form suitable for recording with the Northern Worcester County Registry of Deeds or filing with the Worcester Registry District of the Land Court to create a lien upon the property to be served to ensure collection of any fee that may be assessed hereunder and to provide that the owner and the owner's successor and assigns shall not seek an abatement of such fee and acknowledges the validity of the fee, which covenant may state a maximum amount for the fee to be assessed and such other terms and conditions as the Sewer Commission shall reasonably require.
3. At any time after the extension has been accepted by the Sewer Commission, owners of any parcel abutting the side lines of the portion of the way within which the privately-funded extension is located shall have the right to connect to such extension, at their sole cost and subject to available capacity and subject to the requirement, prior to and as a condition of issuance of a sewer connection permit, to deliver a covenant as described in Section 8-2 above. All such abutting parcels whose owners or former owners who did not share in the cost of such extension

shall be assessed a fee equal to the most recent preceding betterment amount assessed at the time of approval of a sewer connection application.

4. If the proposed privately-funded extension will not extend sewers to all of the remaining unsewered ways in the sewer service zone within which the extension is to be located, it must nevertheless be designed, in the determination of the Sewer Commission's engineers providing peer review of project design, with adequate size, materials, grade, appurtenances, so that it can be used to further extend sewer service to all of the remaining unsewered ways in such sewer service zone without modification to such privately-funded extension.
5. Notwithstanding such determination under Section 8-4 above of adequacy of design of such privately-funded extension to serve the remainder of the sewer service zone or notwithstanding that a waiver of the requirement for such determination may be granted, if circumstances change, including but not limited to changes in state or federal law or regulations, state or federal administrative or court order, changes in land use within the sewer service zone that require increased sewer capacity, changes in sewer service zone or sewer service area design such as from a grinder-pump and/or low-pressure gravity system to a gravity and/or high-pressure system, failure or deterioration of such extension, or a later finding that such determination was inaccurate, or if a waiver from such determination was granted, properties served by such extension may be assessed a betterment or privilege fee for their proportionate share of the cost to the Town, if any, of replacing, repairing or upgrading such extension or of their proportionate share of the cost to the Town, if any, of a wider-area extension serving the parcels served by such privately-funded extension and other parcels. In the event of such later assessment, those properties who were assessed either a 50% or 100% assessment as provided in Sections 8-2 or 8-3 above, shall be credited with that assessment against the portion of any such later betterment assessment or privilege fee that is intended to recover more than the cost to the Town of replacing, repairing or upgrading such extension or wider-area extension (i.e., that is intended to recover the sewer service area capital costs for which the prior betterment amount was assessed), which credit is intended to reflect that such properties will already have been assessed their share of prior sewer service area capital costs by means of such 50% or 100% assessment.

6. All of the provisions of this Sewer Extension Regulation that are not expressly modified by this Section for privately-funded extensions shall apply to such extensions and to connections thereto and to the assessment of all fees.

9.0 GENERAL

1. This Sewer Extension Regulation has been adopted pursuant to Section 10 of Chapter 83 of the General Laws and will take effect upon publication.
2. The Sewer Commission may waive any provision of this Sewer Extension Regulation for good cause shown, with or without a hearing.
3. For any hearings to be held under this Sewer Extension Regulation, no notice beyond that required under Sections 18-35 of General Laws Chapter 30A (the Open Meeting Law) is required.

10.0 PRIVILEGE FEES – SUBDIVIDED PARCELS AND PRIVATE EXTENSIONS TO PARCELS OUTSIDE A SEWER SERVICE ZONE

1. Any parcel within the Sewer Service Area with at least 50 feet of frontage on an existing sewer line may connect to sewer subject to conditions stated within the Sewer Use Regulations.
2. Private sewer extensions that do not have frontage on or at an existing sewer service zone may extend and connect at the discretion of the Sewer Commission, provided that the parcel is within the Sewer Service Area, conforms to the Lunenburg Protective Bylaw, Sewer Use Regulations, all town, state and federal laws.
3. Privilege fees shall not apply to SEWER EXTENSIONS undertaken by the Town; rather assessed a betterment based on the amount of the entire project (SEE SEWER ASSESSMENT BYLAW).
4. Private Sewer Extensions are the financial responsibility of the applicant.
5. A privilege fee shall be assessed for each unit that is created by the subdividing of any parcel(s). If a property has been previously assessed a betterment, the betterment shall apply to only one residential unit. A privilege fee shall be assessed for each additional residential unit.
6. The amount of the privilege fee for a single residence/commercial parcel shall be 50% of the most recent preceding betterment at the time the

project has been accepted by the town. (SEE APPENDIX G, SEWER CONNECTION CHARGE POLICY and APPENDIX J, RESERVE CAPACITY FEE POLICY). Privilege fees are assessed at the time of acceptance and may not be apportioned without application and not for more than ten (10) years.

Appendix E
Lunenburg Building Access Regulations (7/1/13)

LUNENBURG BUILDING ACCESS REGULATION (7/1/13)

PREFACE

All sewer connections must conform to the Town of Lunenburg Sewer Use Regulations and are subject to inspection at any time.

PURPOSE

The purposes of this Building Access Regulation include ensuring that all buildings are properly connected to and are not contributing inflow to the sanitary system. Inflow is stormwater or groundwater which enters the sanitary sewer system through improperly connected discharge sources such as sump pumps, down spouts and yard drains. Inflow not only causes higher flows to the Leominster and Fitchburg Treatment Plants but also takes up valuable sewer capacity and adds unnecessary wear and tear on the sewer system. Increased flows within the sewers caused by inflow can also lead to overflows into streets, rivers, streams and basements.

BUILDING ACCESS REGULATION (Excerpts from Town of Lunenburg Sewer Use Regulations)

Article IV – Administration

IV-1 General Powers of Commission

G. The Commission has the authority to:

- 1. Inspect all public and private residences for violations of the regulations, which may include sampling and testing of internal plumbing, building drains, building sewers or service connections, pumps and grinder pumps, grease traps and all other structures and conduits designed or used for the purpose of collecting, treating or disposing of wastewater and stormwater;**
- 2. Require owners to repair or disconnect services which violate the regulations;**
- 3. Require owners to pay for all work in connection with repairs or disconnections on their service connection; and**
- 4. Assess civil penalties if owners remain non-compliant with these regulations.**

H. No owner, occupant, or other person shall refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to properties, including within buildings, by the Commission or duly authorized employee or representative of the Town, bearing proper credentials and identification, where inspection is sought at reasonable times, with or without prior notice, in order to assure compliance with applicable by-laws, statutes, codes and/or regulations.

I. While performing inspections on private properties referred to in paragraphs G and H above, the Commission or duly authorized employee or representative of the Town shall observe all safety rules applicable to the premises reasonably established by the occupant and the Town shall hold harmless the occupant against claims of

personal injury to Commissioners or Town employees or damage or loss to Town property unless such injury, loss or damage is due to negligent failure of the occupant to maintain safe conditions upon the premises or other negligence or deliberate act by the occupant.

- J. An owner's refusal to grant permission of access shall be a violation of these regulations and will be subject to civil penalty.

Article VI – Penalties

VI-1 Civil Penalties

- H. Failure to disconnect or redirect sources of improper discharge shall result in a Sewer Inflow civil penalty of \$500 per month until the violation has been removed and verified by the Commission.
- I. Failure to permit entry to premises for the purpose of inspection shall be subject to a civil penalty of \$50. Each day until access is permitted shall be deemed a separate offense.
- J. These regulations may be enforced through non-criminal disposition procedures of G.L. Chapter 40, Section 21D and Section Article X, Section 3 of the Town's General Bylaws, or any other means allowed by law.

Appendix F

Forms

**Permit to Connect with Sewer
Application for Sewer Permit – Large Project
Sewer Re-connection Permit**
Application for Change of Use or Expansion of Use
Confirmation of Application for Privately-Funded Sewer Extension
Installer's As-Built Certification
Septic System Abandonment Permit
Waiver of Sewer Charges Due to Filling of Pool
Waiver of Sewer Charges Due to One-time Outside Watering Usage
Grease Interceptor Service Report
Grease Trap –Plumbing Inspector sign-off sheet
Grease Trap Annual Permit application
Grease Interceptor Annual Permit application
Grease Trap/Interceptor Maintenance Log
Oil/Water Separator Annual Permit application

Appendix G
Sewer Connection Charge Policy
(Accepted at Public Hearing 4/9/24)
(Accepted 11/25/25 ADUs)

SEWER CONNECTION CHARGE POLICY (Accepted 4/9/24) (Article VII-4)

The Sewer Connection Charge Policy for the Lunenburg Sewer Service Area is as follows:

1. A minimum residential connection charge of \$3,900 shall be assessed to each dwelling unit (as defined by the Lunenburg Protective bylaw Section 2.1.1.13.) connecting to the Lunenburg Sewer System. Each separate unit of a multi-family dwelling shall constitute a separate residential connection.
2. For dwelling units in excess of three bedrooms, the connection charge shall be the minimum charge plus an additional \$550 for each additional bedroom beyond three bedrooms.
3. For mixed use residential and commercial buildings the connection charge shall be the minimum charge plus an additional \$550 for each bedroom beyond three bedrooms together with a charge of \$5 per gallon based upon water usage (in gallons) attributable to the non-residential uses of the property for the twelve-month period immediately preceding the connection to the sewer divided by 365.
4. For non-residential structures the connection charge shall be the greater of the minimum charge or \$5 per gallon based upon total water usage (in gallons) attributable to the property for the twelve-month period immediately preceding the connection to the sewer divided by 365.
5. For new non-residential structures the connection charge shall be the greater of the minimum charge or \$5 per gallon based upon Title 5 (310 CMR 15.203) of the State Environment Code of the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage. Notwithstanding the foregoing, the Commission, in its sole discretion, may review the application of these provisions to individual buildings and may reduce a connection charge for newly constructed non-residential structures if it appears that the application of the Title 5 flow calculations would result in an unfair assessment upon the building owner.
6. In addition, a charge of Two Dollars per gallon based on Title 5 flow criteria for Inflow/Infiltration (I/I) Sewer Bank.
Example: 1 Bedroom (1 x 110 gpd x \$2.00) = \$220.00
2 Bedroom (2 x 110 gpd x \$2.00) = \$440.00
7. The Sewer Re-Connection charge is a flat \$100.00 fee to apply to sites previously connected, that were either demolished or replaced, and a re-connection is necessary requiring a subsequent inspection by Sewer Department personnel.
8. 4:1 I/I Removal and/or Capacity Fee – For all new connections to the municipal sewer where proposed flows exceed 15,000 gallons per day, the proponent must remove 4 gallons of I/I for every gallon per day (gpd) of wastewater flow to be discharged. If there are not sources of I/I which, at the discretion of the Commission are appropriate for removal at the time of the permit, a monetary fee may be required. The revenue generated from the Capacity Fee shall be used towards reduction of I/I through studies to identify sources of I/I or remediation of known sources of I/I. This fee will be based on peak design flows and current treatment and transportation costs.

Sewer Regulation for ADU's

Appendix G (Continued)

Sewer Connection Charge Policy (Accepted 11/25/2025)

Accessory Dwelling Units (ADU)

- A sewer connection fee of \$550 shall be assessed to each ADU connecting to the Lunenburg Sewer System regardless of bedroom count when the main dwelling has previously connected to the Lunenburg Sewer System.
- A sewer connection fee of \$3,900 shall be assessed to each ADU connecting to the Lunenburg Sewer System regardless of bedroom count when the main dwelling is not connected to the Lunenburg Sewer System.
- In addition, a charge of Two Dollars per gallon based on Title 5 flow criteria for Inflow/Infiltration (I/I) Sewer Bank.
 - Example: 1 Bedroom (1 x 110 gpd x \$2.00) = \$220.00
 - 2 Bedroom (2 x 110 gpd x \$2.00) = \$440.00
- The ADU sewer connection must connect into the existing sewer connection on the same property as the main dwelling; no easements will be allowed; no new connections at/in the street will be allowed; there are no exceptions.
- Acceptable methods of connection include:
 - Through interior plumbing of the main dwelling
 - Outside the main dwelling where the 4-inch pipe exiting the building connects to the 6-inch pipe using a Tee/Wye connector; a cleanout must be provided on the uphill side of the Tee/Wye.
- ADU's must meet the definition as provided by Massachusetts General Law.
- A single sewer bill for both the main dwelling and the ADU will be sent to the existing sewer customer at the main dwelling.
 - If the customer wants a separate bill for the ADU, a water meter must be installed in the ADU.
- Except as otherwise stated herein, the Sewer Commission reserves the right to waive, in its sole discretion, any provision(s) of ADU regulation adopted hereunder in situations that meet all the following criteria:
 1. Unusual or extraordinary circumstances threaten the safe and continued use of a property that a waiver may resolve;
 2. Alternatives to the waiver present an undue hardship to any person or entity affected thereby;
 3. The Commission deems it to be in the best interest of the Town of Lunenburg and not otherwise inconsistent with the purpose and objectives hereof;
- Each request for a waiver shall be made in writing to the Commission, shall require a public hearing to be conducted with notice of said hearing published in a local newspaper at least five (5) business days in advance and, shall require an affirmative vote of approval by a super-majority in number of the Commission. In no event shall the Commission waive any requirement of the Massachusetts General Laws or any regulation adopted by the Commonwealth thereunder. There shall be no entitlement to a waiver; and the grant of a waiver in one instance shall not require the Commission to grant a waiver in any other.

Appendix H

The Code of the City of Fitchburg – Chapter 147 – Sewers

[Sewer-Rules-and-Regulations Ch-147 APPROVED 2021-03-10 \(fitchburg.ma.us\)](#)

Appendix I

Leominster Municipal Code – Chapter 21 – Water and Sewers

https://library.municode.com/ma/leominster/codes/code_of_ordinances?nodeId=PTIITHCO_CH21WASE_ARTIIISEDR

Appendix J
Reserve Capacity Fee Policy (approved 11/27/18)

RESERVE CAPACITY FEE POLICY (11/27/18) (Article VII-5)

At the time a new extension or connection which results in a privilege fee is approved, or at the time of assessment of a new betterment, each affected property will pay a Reserve Capacity Fee amount that is in effect at that time. Effective July 8, 2014 the fee will be \$1.87 per gallon based on Title 5 flow criteria.

Example: 1) Three bedroom $(3 \times 110 \text{ gal} \times \$1.87) = \$617$;
2) Four bedroom $(4 \times 110 \text{ gal} \times \$1.87) = \$823$.

This revenue will be allocated to a separately tracked account that will be used to fund past and future costs of securing capacity for the Lunenburg Sewer System.

Appendix K
Deduct Meter Policy
(Accepted at Public Hearing 2/28/23)

DEDUCT METER POLICY AND CREDIT PROGRAM

Appendix K
(Accepted 2/28/23)

The purpose of this policy is to provide property owners connected to the Sewer System a means of deducting water usage from their sewer fees for water that does not enter the sewer system by means of installation and maintenance of an “Irrigation or Deduct Meter”. The use of this policy is not restricted to irrigation but in all cases is subject to the pre-approval of the Sewer Commission per the requirements of this policy.

There is an annual fee of \$50 for each irrigation meter to help defray the costs of administering this program.

In order for a property owner to install a deduct meter on their property, they must have a licensed plumber pull a plumbing permit. Owners can contract with a licensed plumber to obtain a plumbing permit through the Building Department and must install the approved NEPTUNE equipment, as found on the Sewer Commission web page at lunenburgma.gov. and compatible with Lunenburg Water District reading device. Meters must read in cubic feet (cf). The Plumbing Inspector for the Town must inspect and approve the deduct meter installation.

When the Plumbing Inspector signs off on the installation, the property owner shall provide the signed Deduct Meter Application to the Sewer Commission along with a check for \$50 made out to the Town of Lunenburg. Once approved by the Sewer Commission, the location will be added to the list of deduct meters for the Water District to read at the same time the regular water meters are read. The completed application must be received by the Sewer Commission office 30 days prior to the start of the next bill period or the readings will not take place until the following bill period. At the time of the quarterly sewer billing, the deduct meter reading is deducted from the water reading and the homeowner receives a reduced bill for the water not entering the sewer pipes. The minimum charge applies at all times and at no time does the deduct meter usage credit reduce the quarterly billing amount below the minimum charge.

At all times the property owner is responsible for purchase, installation, maintenance, proper operation, and accuracy of the approved meter. If the meter readings are questioned by the Sewer Commission and/or found to be in question, it is the property owners' responsibility to have it serviced. Until the meter is confirmed to be in proper operating condition, there will be no credits given. If there is a problem with the meter and additional visits/readings are required, there will be a charge of \$25, which will be automatically assessed on the next quarterly sewer invoice.

All new installations or replacement meters must comply with all requirements set forth by the Sewer Commission or as specified in the Deduct Meter Policy.

The annual fee of \$50.00 will be assessed each year on the second quarterly sewer usage invoice of the new fiscal year. If the fee remains unpaid 30 days after it is sent out, a letter will be sent to each program participant. After 60 days, if the fee remains unpaid, they will be removed from the program and pay for full water usage without adjustment. If the fee is received after 60 days, the Sewer Commission must approve retroactively crediting the account for missed deduct meter credit.

To withdraw from the program, written notification must be provided 60 days prior to the next quarterly billing date.

Appendix L – Oil/Water Separator Policy
(Accepted at Public Hearing 2/28/23)

OIL/WATER SEPARATOR REGULATION – effective 2/28/23

A. Oil/Water Separators - An Owner of a building or business requiring an oil/water separator pursuant to these regulations shall be required to obtain written authorization from the Sewer Department which shall comply with the following:

1. Oil/water separators shall be required on sewers or combined sewers directly or indirectly tributary to the Town's wastewater system from existing and new garages, services stations, enclosed parking areas, and other establishments capable of discharging petroleum-based oil or grease, flammable wastes, sand, or other harmful substances.
2. The determination as to whether an oil/water separator is required rests with the Sewer Commission or their agent. The type, capacity, location, and construction of all oil/water separators shall be approved by the DPW Director. All traps shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gastight and watertight and shall be located so as to be readily accessible for maintenance and inspection. The DPW shall have the right to inspect such facilities.
3. Where oil/water separators are required, they shall be installed and maintained continuously to satisfactory and effective operation by, and at the expense of the Owner or User. Both the Owner of the premises where an oil/water separator is required, and the Owner or operator of the establishment or business conducted on the premises shall be jointly and severally responsible for installing an oil/water separator acceptable to the DPW, and for properly servicing and maintaining an oil/water separator.
4. The Owner or operator of the establishment or business conducted on the premises where the oil/water separator is located shall maintain a log describing the date and type of all services and maintenance performed in connection with the oil/water separator, the identity of the licensed company/person who performed the service or maintenance, the amount of residue removed from the oil/water separator on each date, and the method of disposal of the residue. The log entries shall be maintained for six years and shall be made available for inspection. In addition, the Hauler shall provide written documentation to the establishment on the services provided, date, amount of residue removed, and disposal facility. The owner and/or operator of the establishment shall submit a completed Separator Service Report to the Sewer Commission within 30 days of such action.
5. The oil/water separator shall be pumped out, cleaned and/or repaired frequently and at a minimum twice annually, unless the Sewer Commission mandates increased frequency. Floating oil and sediment (or any hazardous material found therein) shall be removed by a properly licensed contractor and disposed of in accordance with State and Federal Regulations.
6. Oil/water separators shall conform to the regulations of the State Uniform Plumbing Code, 248 CMR 2:00, and all other applicable laws.
7. All costs and expenses incident to the application for the design, construction, installation, connection, repair, and maintenance of a building sewer lateral, other private sewers, special facilities, particle separators, grease traps, oil traps, or other wastewater facilities shall be borne by the Owner.

B. Sand Interceptors - Floor Drains

1. Wherever a floor drain discharges waste to an oil and gasoline separator, the floor drain shall be equipped with an approved sediment and sand control basket, or the floor drain shall discharge through a sand interceptor.
2. Multiple floor drains may discharge into one sand interceptor.
3. Sand Interceptors - Commercial Establishments. Sand and similar interceptors for heavy solids shall:
 - be so designed and located as to be readily accessible for cleaning; and
 - have a water seal of not less than six inches.

- be pumped out, cleaned and/or repaired frequently and at a minimum twice annually, unless the Sewer Commission mandates increased frequency.

C. General Provisions

1. Annual Permit Fees

- a) Annual Permit Fees shall be assessed to each establishment regulated under this regulation. The Sewer Commission will provide an application form to collect the information required for approval. Completed forms and Permit Fees will be due 30 days prior to the annual effective date of April 1st of each year. If an approved Permit is not issued by the Sewer Commission by this date, the establishment will not be allowed to dispose of wastewater from fixtures that require an Oil/Water Separator. The annual permit fee is \$150.00.
- b) These annual permit fees are separate and distinct from any monetary penalties assessed in direct response to violations in accordance with Section VII of this regulation.
- c) No renewal application will be accepted or processed for any property with outstanding, unpaid fees or penalties.

2. Violations & Penalties

1. Written or electronic notice of any violation of this policy shall be given to the Owner by an Agent of the Sewer Commission, specifying the nature, time and date of the violation, any preventative measures required to avoid future violations, and a correction time frame.
2. Failure to comply with the reporting requirements specified in this regulation may result in an automatic Noncompliance fine of \$100.00.
3. Continued noncompliance with any requirement of this regulation, or failure to correct an existing violation may result in a Noncompliance Fine of \$25.00 per day of violation retroactive to the start of the noncompliance until compliance is achieved.