

**YORK SEWER DISTRICT  
YORK, MAINE**

**RULES AND REGULATIONS GOVERNING  
THE USE OF  
PUBLIC AND PRIVATE SEWERS**

**REVISED** July 12, 2018

**REVISED** June 13, 2019

Be it ordained and adopted on the date last stated by the Sewer District of the Town of York, County of York, State of Maine, these “Rules and Regulations Governing the Use of the Public and Private Sewers” (hereinafter the “Rules and Regulations”), governing the use of public and private sewers and drains, the installation and connection of building sewers, the discharge of wastes and waters into the public sewer system(s), and providing penalties for violations thereof in the Town of York, County of York, and State of Maine, as follows:

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## **ARTICLE I. Abbreviations and Definitions.**

### **Abbreviations**

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

1. **MDEP** - Maine Department of Environmental Protection
2. **District or YSD** – York Sewer District
3. **BOD** - Biochemical Oxygen Demand
4. **CFR** - Code of Federal Regulations
5. **COD** - Chemical Oxygen Demand
6. **EPA** - Environmental Protection Agency
7. **l** - Liter
8. **MGD** - Million gallons per day
9. **mg** - Milligrams
10. **mg/l** - Milligrams per liter
11. **MEPDES** - Maine Pollutant Discharge Elimination System
12. **FOG** – Fats, Oil & Grease
13. **POTW** - Publicly Owned Treatment Works
14. **TSS** - Total Suspended Solids
15. **USC** - United States Code
16. **CIDPS** – Commercial and Industrial Discharge to Public Sewers

### **Definitions**

As used in these Rules and Regulations, defined terms are capitalized, and other terms shall have their commonly understood meanings. Unless the context specifically indicates otherwise, the meaning of terms used in these Rules and Regulations shall be as follows:

**Act or the Act** shall mean the Federal Water Pollution Control Act, also known as the Clean Water act, as amended, 33 U.S.C. § 1251 et seq.

**Approval Authority** shall be the Maine Department of Environmental Protection (MDEP).

**Authorized Representative of Commercial or Industrial User** may be:

- a. A principal executive officer of at least the level of vice-president, if the Commercial or Industrial User is a corporation.
- b. A general partner or proprietor if the Commercial or Industrial User is a partnership or proprietorship, respectively.
- c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the Indirect discharge originates.

**Biochemical Oxygen Demand (BOD)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° centigrade, expressed in milligrams per liter.

**Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means of complying with, or in place of certain established categorical Pretreatment Standards and effluent limitations.

**Building Drain** shall mean that part of the lowest horizontal piping which receives the discharge of waste inside the building and conveys it to the Building Sewer, beginning five (5) feet outside the inner face of the building wall.

**Building Sewer** shall mean that part of the horizontal piping of a drainage system that extends from the end of the building drain and that receives the discharge of the Building Drain and conveys it to a Public Sewer, Private Sewer, Private Sewage Disposal System, or other point of disposal.

**Categorical Pretreatment Standards or Categorical Standard** shall mean any regulation containing pollutant discharge limitation promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1317) that apply to a specific category of Users and that appear in 40 CFR Chapter 1. Subchapter N. Parts 405-471

**Chemical Oxygen Demand (COD)** shall mean the quantity of dissolved oxygen required for the chemical oxidation of decomposable matter under aerobic conditions.

**Commercial or Industrial Discharge** shall be the introduction of Non-domestic Pollutants into the District Facilities by a Commercial or Industrial User.

**Commercial or Industrial User or User** shall mean a source of Discharge or any source that discharges Commercial or Industrial Wastewater to the District Facilities.

**Commercial or Industrial Wastes or Commercial or Industrial Wastewater** shall mean Non-domestic Wastewater originating from a non-residential source.

**Composite Sample** shall be time-composite sample collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals for the total period of discharge not to exceed 24 hours.

**Connection** shall mean the construction of a Building Sewer linking the Building Drain to the Public Sewer.

**Constituents** shall mean the combination of particles, chemicals, or conditions which exist in the Industrial Waste.

**Control Authority** shall be the York Sewer District.

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

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

**Daily Maximum Limit** shall be 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.

**Direct Discharge** shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Maine.

**Discharger** shall mean any Person who contributes, causes or permits the contribution of Wastewater into the District Facilities.

**District** shall mean the York Sewer District acting through its Board of Trustees, Superintendent or other duly authorized agent.

**District Facilities** shall include structures, conduits, pump stations, wastewater collection, treatment and disposal facilities, and other appurtenances for the purpose of collecting, treating and disposal of Domestic and/or Industrial Wastewater owned by the District.

**Domestic Wastewater** shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings and industrial plants, excluding ground surface or storm water.

**Dwelling Unit/Equivalent Dwelling Unit** shall mean one or more rooms arranged with separate means of ingress and egress, intended to be used, or is used as a complete housekeeping unit for one or more individuals with independent living, cooking, sleeping, bathing and sanitary facilities.

**Easement** shall mean a perpetual right for the specific use of land where the fee interest is held by others.

**Effluent** shall mean the discharge of flow from a reservoir, basin, treatment process or treatment facility.

**Environmental Protection Agency (or EPA)** is the U. S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the Administrator or other duly authorized official of said agency.

**Excessive** shall mean amounts or concentrations of a constituent of a Sanitary or Industrial Wastewater which in the judgment of the District: (a) will cause damage to any facility, (b) will be harmful to a wastewater treatment process, (c) cannot be removed in the District Facilities to the degree required in the District's Maine Pollutant Discharge Elimination System (MEPDES) permit, (d) can otherwise endanger life or property, or (e) can constitute a nuisance.

**Existing Source** shall mean any source of Discharge that is not a New Source.

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

**Garbage** shall mean solid wastes from domestic and commercial preparation, cooking and dispensing of food and from the handling storage and sale of produce.

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

**Grease** shall mean the material removed from a grease interceptor (or trap) serving a restaurant or other facility requiring such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.

**Grease Interceptor** shall mean a plumbing appurtenance or appliance that is installed in a sanitary or wastewater discharge system to intercept nonpetroleum fats, oils and grease (FOG) from a waste water discharge.

**Holding Tank** shall mean wastewater holding tanks that are accessory to or part of vessels, chemical toilets, campers, trailers, recreational vehicles, septic tanks, dwelling units, and vacuum-pump tank trucks.

**Incompatible Pollutant** shall mean any Pollutant other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified in the permit, which the POTW was not designed to treat and do not remove to a substantial degree.

**Indirect Discharge** - The discharge or the introduction of Non-domestic Pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the District Facilities (including holding tank waste discharged into the District Facilities).

**Interference** shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Districts MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**Local Limits** – Specific discharge limits developed and enforced by the District upon commercial and industrial facilities to implement the general and specific discharge prohibition listed in 40 CFR 403.5(a)(1) and (b).

**May** is permissive (see “Shall”).

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

**Maine Pollution Discharge Elimination System Permit or MEPDES** shall mean a permit issued pursuant to the Federal Water Pollution Control Act, Title 33 USC, Section 1251, *et. Seq.* and *Conditions of Licenses*, 38 M.R.S.A., Section 414-A *et seq.*, and applicable regulations.

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

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

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

**New Source** shall have the meaning set forth in 40 CFR § 403.3 (k) as amended, which states that it means:

- 1) Any new Building Sewer;
- 2) 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 whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the Existing Source shall be considered.
- 3) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section 2 (b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.
- 4) Construction of a New Source as defined under this Section 2 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 placement, 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 paragraph.



**Non-domestic Pollutant** – shall mean any substance other than human excrement or household gray water.

**Owner** shall mean both the Person who is owner of record of real estate and all tenants, lessees or others in control or use of the property in question, and if the owner cannot be otherwise identified the Person against whom the Town of York assesses real estate taxes for all real estate. Excluded from this definition is a mortgagee of the property in question unless the mortgagee exercises its mortgage rights and takes possession of the property.

**Pass Through** shall have the meaning set forth in 40 CFR § 403.3 as amended, which states that it means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's MEPDES Permit (including an increase in the magnitude or duration of the violation).

**Person** shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity: or their legal representatives, agents or assigns. This definition includes all Federal, State and local governmental entities.

**pH** shall mean the logarithm of the reciprocal of weight of hydrogen ions in grams per liter of solution. It is a method of expressing the acidic or basic strength of a solution and the tendency or ability of that solution to react with other acidic or basic solutions.

**Pollutant or Pollutants** shall have the meaning set forth in 40 CFR §401.11 as amended, which states in part that it means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

**Pretreatment** shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes, or by other means, but not by diluting the concentration of the pollutants unless allowed by the applicable pretreatment standard.

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

**Pretreatment Standards** shall mean prohibited discharge standards, Categorical Pretreatment Standards and Local Limits established by order of the Board of Trustees.

**Private Sewage Disposal System** shall mean a subsurface waste water disposal system or septic system.

**Private Sewer System or Private Sewer** shall mean any sewer, not owned by the District, that collects wastewater from two or more building sewers and discharges to a public sanitary sewer. Private sewer systems are not permitted except by specific agreement with the District. A copy of this agreement will be filed with the District.

**Prohibited Discharge Standards or Prohibited Discharges** shall mean absolute prohibitions against the discharge of certain substances as identified in Article VI of the Rules and Regulations.

**Public Sewer** shall mean a sewer that is controlled by the York Sewer District.

**Publicly Owned Treatment Works or POTW** shall mean the York Sewer District's devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewer, pipes, and other conveyances only if these structures convey wastewater to the POTW wastewater treatment facility.

**Sanitary Sewer** shall mean a Sewer which carries domestic, Sanitary and/or Industrial Wastewater sewage.

**Sanitary Wastewater or Sewage** shall mean the liquid waste discharge from a building's or structure's sanitary conveniences, such as toilets, washrooms, urinals, sinks, showers, and small laundries free of Industrial Wastes or toxic materials. Sanitary Wastewater may or may not be discharged separately from Industrial Wastewater. For a combined discharge the District shall determine if a wastewater discharge meets the definition "sanitary wastewater".

**Septage** shall mean all sludge, scum, liquid, or any other material removed from a septic tank or disposal field.

**Sewer** shall mean a pipe or conduit for carrying sewage.

**Sewer Extension** shall mean any newly constructed sewer that is to be adopted and maintained by the District or privately maintained but connected to the District Facilities.

**Significant Industrial User (SIU)** is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the District 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.

**Single Family Dwelling** shall mean a building designed or intended to be used exclusively for residential occupancy by one family only and containing only one (1) dwelling unit.

**Shall** is mandatory.

**Slug Load or Slug Discharge** shall be any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 6 of these Rules and Regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

**Standard Methods** shall mean Standard Methods for the Examination of Water and Wastewater, latest edition, published by the American Public Health Association.

**Superintendent** shall mean the Superintendent of the York Sewer District or his authorized deputy, agent or representative.

**Suspended Solids** shall mean solids that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

**Town** shall mean the Town of York, Maine or its duly authorized agent.

**Toxic Pollutant** - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

**Trustees or Board of Trustees** shall mean the Trustees of the York Sewer District or their authorized agent or representative.

**Wastewater, Wastewater Discharge, or Wastes** shall mean the used water and water-carried solids from the community that flow into the District Facilities.

## **ARTICLE II. Building Sewers, Connections and Use of Public Sewers**

### **A. Use of Public Sewers Required.**

Section 1. It shall be unlawful for any Person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the area under the jurisdiction of the York Sewer District any human or animal excrement, Garbage or other objectionable waste.

Section 2. It shall be unlawful to discharge to any Natural Outlet within the area under the jurisdiction of the District any Wastewater, Sanitary Sewage, Industrial Wastes or other Pollutants, except where suitable treatment has been provided in accordance with State and federal law and with these Rules and Regulations.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of Sewage.

Section 4. Except as hereinafter provided, every building in the District intended for human habitation or occupancy or with facilities for discharge or disposal of Sewage or Commercial or Industrial Waste, which is accessible to a Sewer or drain of the District, shall have a Sanitary Sewer or drainage system which shall be caused to be connected with that Public Sewer or drain of the District by the Owner, in the most direct manner possible, within 90 days after receiving a request therefore from the District, or within such further time as the Trustees of the District may grant and, if feasible, with a separate connection for each such building.

Existing buildings which are already served by a Private Sewage Disposal System are not required to connect with any Public Sewer or drain of the District as long as the Private Sewage Disposal System functions in a satisfactory and sanitary manner and does not violate any law or ordinance or any applicable requirements of the State of Maine Plumbing Code and Subsurface Waste Water Disposal Rules, as determined by the Town's Plumbing Inspector.

A building is deemed to be accessible to a Public Sewer or drain of the District for the purposes of this Section if that building, or any Private Sewer or drain directly or indirectly connected thereto or carrying Sewage or Commercial or Industrial Wastewater therefrom, shall at any point be or come within 200 feet of a sewer or drain of the District; provided that nothing in this section may require the Owner of any such building to acquire any real property or Easement therein for the sole purpose of making the connection.

## **B. Private Sewage Disposal System**

Section 1. Where the Public Sewer is not accessible under the provisions of Article II A, Section 4, the Building Sewer shall be connected to a Private Sewage Disposal System complying with the provisions of State of Maine Plumbing Code and the Maine Subsurface Wastewater Disposal Rules, as amended.

- (a) Every building in which plumbing fixtures are installed and every premises having drainage piping thereon, shall have a connection to the Public Sewer or Private Sewage Disposal System, except as provided in subsections (b) and (d) of this section.
- (b) When no Public Sewer, intended to serve any lot or premises, is available in any thoroughfare or right of way abutting such lot or premises, drainage piping from any building or works shall be connected to an approved Private Sewage Disposal System.
- (c) Within the limits prescribed by subsection (d) hereof the rearrangement or subdivision into smaller lots of a parcel which abuts and is served by a Public Sewer shall not be deemed cause to permit the construction of a Private Sewage Disposal System, and all plumbing or drainage systems on any such smaller parcel or parcels shall connect to the Public Sewer.
- (d) The Public Sewer may be considered as not being accessible when such Public Sewer or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such Public Sewer.
- (e) No permit should be issued for installation, alteration or repair of any Private Sewage Disposal System or part thereof, on any lot for which a connection where a Public Sewer is available.
- (f) On every lot or premises hereafter connected to a Public Sewer, all plumbing and drainage systems or parts thereof, on such lot or premises should be connected with such Public Sewer.

Section 2. At such time as the Public Sewer becomes accessible to a lot or premises served by a Private Sewage Disposal System, under the provisions of Article II A, Section 4, a direct connection shall be made to the Public Sewer in compliance with Article II A, Section 4, and the Private Sewage Disposal Facilities shall be abandoned, cleaned of sludge, and filled with suitable material. EXCEPTION: Single family dwellings and buildings or structures accessory thereto, existing and connected to an approved Private Sewage Disposal System prior to the time of connecting the premises to a Public Sewer may, when no hazard, nuisance or unsanitary conditions is evidenced, and written permission has been obtained from the Town Code

Enforcement Officer, remain connected to such properly maintained Private Sewage Disposal System when there is insufficient grade or fail to permit drainage to the sewer by gravity.

Section 3. The Owner shall operate and maintain the Private Sewage Disposal Facilities in a sanitary manner at all times, at no expense to the District or Town.

Section 4. The Septage from Private Wastewater Disposal Systems and the contents of Holding Tanks shall not be discharged to the District Facilities except by specific permission of the District. When such permission is granted, the District shall designate the location where the Septage may be discharged to the District Facilities and the conditions and fees for such discharge. Said Septage is subject to the same requirements of all Wastewater discharged to the District Facilities.

Section 5. No statement contained in these Rules and Regulations shall be construed to interfere with any additional requirements that may be imposed by the Town's Health Officer and Code Enforcement Officer.

### **C. Permits for Building Sewers, Connections and New or Modified Discharge**

Section 1. No unauthorized Person shall uncover, make any connections with or opening into, use, alter or disturb any Public Sewer or appurtenance thereof, including but not limited to; manholes, cleanouts, Building Sewers, Grease Interceptors, E-one pressure systems, back flow preventers, or curb stops, without first obtaining a written Permit from the District. Any Person proposing a new Discharge into the District Facilities or a change in the volume or character of Pollutants that are being discharged into the District Facilities shall notify the District in writing at least forty-five (45) days prior to the proposed change or connections and also must first obtain a written Permit therefor.

Section 2. There shall be two classes of Permits: Residential (for Domestic Wastewater) and Commercial and Industrial (for non-Domestic or Industrial Wastewater). The Owner or his agent shall make application on a form furnished by the District. The Permit application shall be supplemented by any plans and/or specifications bearing the seal and signature of a Professional Engineer registered in the State of Maine, or other information considered pertinent in the judgment of the District. Permit application fees shall be established by the District Board of Trustees and shall be paid to the District at the time the Permit application is filed, and any impact fee payable by Owner pursuant to the York Sewer District By-Laws to Establish Sewer Impact Fees also shall be paid to the District at that time. All Permit applications must be filed at least 45 days prior to any work applied for within the application.

The work authorized by the Permit shall be completed by the permittee and inspected and approved by the District no later than 180 days after its issuance unless otherwise approved by the District. If the work is not completed, inspected and approved within the 180-day period, then the Permit shall expire and be void, and the permittee shall reapply for a new Permit.

In the case of multiple building units or connections, commercial connections, industrial connections or connection for sewerage which may require Pretreatment, the District may require a monetary deposit sufficient to cover the cost of peer review of the Permit application by professional consultants, including but not limited to engineers and attorneys, deemed necessary by the District. The amount of the deposit shall be estimated by the District and shall be paid by the applicant prior to commencement of review of the application by the District, and that deposit shall be kept in a non-interest-bearing account. Upon completion of the review process, the unused portion, if any, of that deposit will be refunded, and if the initial deposit is not sufficient to pay for the peer review costs incurred by the District, the applicant shall pay the additional amount incurred by the District prior to Permit issuance.

Section 3. All costs and expenses incident to the application, review, installation, connection, repair and maintenance of the Building Sewer, including any fittings, chimneys or other appurtenances that must be attached to the District Public Sewer to permit connection of the Building Sewer, shall be borne by the Owner. The Owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation, connection, repair and/or maintenance of the Building Sewer and other appurtenances.

Section 4. A separate and independent Building Sewer shall be provided for every building requiring a sewer connection; except that where one building stands at the rear of another on an interior lot and no Private Sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer. This connection requires approval by the District, and the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection described within this section. Prior to District issuance of a Permit for such connections, the owners shall present evidence to the District of the recording of a deed restriction placed on both properties stating that they have joint ownership of the sewer connection and will maintain it jointly, and the owners shall be jointly and severally liable for the fees and costs of installation, connection, and inspection hereunder.

Section 5. Existing unconnected buildings and new proposed connections must enter the Public Sewer main from the main street, road or right-of-way on which the building or lot fronts. The point at which the Building Sewer connects to the Public Sewer main shall normally be at the sewer main perpendicular to the center of the building to be served unless an existing service connection has been already provided to the lot or premises. If no Public Sewer main exists at this location, then the Public Sewer main in the area of the lot or premises would have to be extended as provided by these Rules and Regulations.

Section 6. Existing Building Sewers may be used in connection with a new building only when they are found, on examination and test by the District, to meet all requirements of these Rules and Regulations. The applicant shall pay all costs for examination and testing.

Section 7. The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench, shall all conform to the requirements of the State of Maine, and Town and District Design Specifications or other applicable rules and regulations of the District. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9, Technical Report No. 16 (TR-16) Guidelines for the Design of Wastewater Treatment Works, and the WEF Manual of Practice No. FD-5 shall apply.

Section 8. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, Sanitary Sewage carried by such Building Drain shall be lifted/pumped by an approved means and discharged to the Public Sewer. Backflow prevention devices shall be used on any Building Sewer when there are water using plumbing fixtures connected in the basement.

Section 9. No Person shall make or keep connection of 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 the Sanitary Sewer. Connection of sump pumps to the Sanitary Sewer is strictly prohibited.

Section 10. The Permittee shall notify the District when the Building Sewer is ready for inspection and connection to the Public Sewer. The District shall be notified at least 48 hours before this inspection is required. The connection(s) shall be made under the supervision of the District to the complete satisfaction of the District. No Building Sewer shall be covered until it has been inspected and approved by the District. If any part of the Building Sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner.

Section 11. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. The Owner and/or his/her representative shall perform all work in compliance with all OSHA and other safety regulations, statutes and ordinances. Prior to any work in the public right-of-way shall first be permitted by the Town by issuance of a Street Opening Permit. Any street, sidewalk, and other public property disturbed in the course of the works shall be restored in a manner satisfactory to the Town and District.

Section 12. All connections to the Public Sewer shall incorporate a potable water meter on the supply to the building, which shall be the basis for determining the actual quantity of water supplied to the property, and the resulting sewer user charge. Property not metered from a public water supply shall install the potable water meter at the point where the non-public water supply enters the building. Installation of the meter shall be inspected and approved by the District.



Section 13. Private water meters are allowed to measure water that is not discharged to the Public Sewer. Water use measured by these meters will be deducted from the total water consumption of the property so long as the Customer complies with the Sub-Meter provisions of Article VII of these Rules and Regulations.

Section 14. Control Structure Required. When required by the District, the owner of property served by the Public Sewer carrying wastes shall install a suitable control structure and wastewater flow-measuring and monitoring device to carry out the purpose of these Rules and Regulations. Such structure and measuring devices shall be constructed in accordance with plans submitted to and approved by the District. The structure and flow-measuring device shall be installed and maintained continuously in effective operating order by the owner at the owner's expense.

Section 15. It is the Owner's responsibility to promptly notify the District at the first sign of a possible problem or plug-up with the property's Building Sewer. Unless promptly notified, the District will not be responsible for any cost or expense incurred by the Owner in response to the problem or plug-up, if it is later determined that the problem or plug-up is in the Public Sewer.

Section 16. Abandonment of Service. No Person shall dismantle or move any building having a service entrance into a Public Sewer without first obtaining an appropriate permit from the District. Before the building is dismantled or moved, the entrance of the service into such building at the Building Drain shall be sealed with a watertight plug. The plug shall be installed under the supervision of the District. If the Building Sewer is determined by the District to be unserviceable, the building owner shall at such owner's expense remove the Building Sewer and seal the opening at the entrance to the Public Sewer. In the event such Person fails to perform such work, the District may complete the work and charge the owner for work performed. If a Building Sewer is determined by the District to be in substandard condition, then the District may require the owner to replace or abandon and/or relocate it at the owner's expense.

#### **D. General Prohibitions**

No Person shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW.

No Person shall discharge or cause to be discharged the following described substances, materials, Wastes or Wastewater if it appears likely in the opinion of the District that such Wastewater can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these Wastewaters, the District will give consideration to such factors as the quantities of subject Wastewaters in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of

the sewage treatment process, capacity of the POTW, degree of treatability of wastes in the sewage treatment and other pertinent factors, the substances prohibited are:

- a. 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 District Facilities or to the operation of the District's POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the District Facilities (or at any point in the District Facilities) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the District, the State or EPA has notified the User is a fire hazard or a hazard to the District Facilities.
- b. Any Wastes or Wastewaters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any POTW sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard in the receiving waters of the POTW, or to 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.
- c. Any Wastes or Wastewaters having a pH lower than 6.0 or in excess of 11 or having any other corrosive property capable of causing damage or hazard to the POTW, its equipment and/or its Personnel.
- d. Any Wastes or Wastewaters solid or viscous substances in quantities or of such size capable of causing an obstruction to flow in the District Facilities or otherwise interfering with the proper operation of the POTW including as but not limited to, ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, grease, animal guts or tissues, bones, spent lime, beer or distillery slops, grain processing waste, hops, stone or marble dust, grass clippings, waste paper, gas, asphalt residues from refining, processing of fuel or lubricating oil, glass grinding, polishing wastes, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders, and all other solid objects, materials, refuse and debris not normally contained in Sanitary Sewage.
- e. Wastewaters having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit any wastewater biological activity or cause damage in the POTW resulting in Interference, but in no case Wastewaters which cause the temperature

at the introduction into the POTW to exceed 40 degrees Centigrade (104 degrees Fahrenheit).

- f. Any Wastes or Wastewaters containing fats, wax, grease or oils of animal or vegetable origin, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred forty (140) ° F (0 and 60°C) or in amounts that will cause obstruction of the flow in the POTW resulting in Interference.
- g. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the District.
- h. Any Wastes or Wastewaters containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- i. Any Wastes or Wastewaters with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.
- j. Any Wastes or Wastewaters containing iron chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the POTW exceeds the limits established by the District in compliance with applicable State and Federal regulations for such materials.
- k. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other Wastes or Wastewaters are sufficient to create public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- l. Any Wastes or Wastewaters containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the District, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the receiving waters.
- m. Any Wastes or Wastewaters containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State and Federal regulations.
- n. Any Wastes or Wastewaters containing material identified as hazardous waste according to 40 CFR Part 261.
- o. Any quantities of flow, concentrations, or both that constitute a "slug" as defined in Article 1 of these Rules and Regulations

- p. Any Wastes or Wastewaters containing petroleum oil, non-biodegradable cutting oils or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- q. Any medical wastes such as but not limited to: isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes and/or dialysis wastes.
- r. Any Wastes or Wastewaters containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to Treatment only to such degree that the POTW effluent cannot meet the requirements of other agencies having jurisdiction over Discharges to the receiving waters.
- s. Any substance which will cause the District's wastewater treatment facilities to violate its MEPDES Permit and/or the receiving water quality standards.
- t. Any substances which may cause the District's POTW effluent or any other product of the District Facilities such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the District's POTW cause the District Facilities to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge used or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State Criteria applicable to the sludge management method being used.
- u. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, and battery acid.
- v. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted Wastewaters.
- w. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW.
- x. Any Wastewaters which cause a hazard to human life or create a public nuisance.

*The limits fixed herein may be used as a guide in design and plant control but may be altered by the District as required or authorized by State or Federal law in the event of a cumulative overload on a particular drainage basin or wastewater treatment plant.*

### **ARTICLE III. Licensing of Persons Authorized to Install Sanitary Sewers and Make Connections to the Public Sewer**

In order to protect District Facilities, any Person installing Building Sewers or making connections to the Public Sewer in the District's service territory or otherwise doing work under a Permit issued by the District must have an annual license therefor from the District to conduct that activity (a "License"). Persons shall apply to the District, and the District Superintendent or designee shall issue a License to and thereby authorize Persons of established reputation and experience in sewer construction to install Building Sewers and make connections to the Public Sewer upon determining that the Person demonstrates compliance with the following requirements:

- (a) All applicants shall complete a License application form provided by the District;
- (b) Applicants shall pay an application fee in the amount of \$100 to the District at the time of application;
- (c) Each applicant must provide at least three references for satisfactory installation or construction work of a nature similar to that which Licensee would perform work under a Permit issued by the District;
- (d) Applicants for Licenses, before approval by the District, shall file with the District a copy of certificate of Insurance showing coverage for property damage and personal injury caused by, related to or arising out of its acts or omissions in an amount of no less than \$1 million; and
- (e) An applicant shall not be issued a License if his, her or its License has been revoked within twelve months prior to the date of application.

Applications for Licenses will be approved or disapproved within a period of thirty-one (31) days after filing the application.

All Licenses expire one year from the date of issuance thereof and Licenses are not transferable.

All Licensees are required to give personal attention to all installations and shall employ only competent workers in the conduct of work under a Permit issued by the District. The licensed Person(s), as named on the License application and license, shall be responsible for all aspects of the work under a Permit issued by the District, including but not limited to, providing the correct information on the permit, laying the pipe, the excavating and backfilling and restoring the trench to the complete satisfaction of the District. Licensees shall perform all work under a Permit issued by the District in accordance with these Rules and Regulations, and with all

applicable federal, state, municipal and District statutes, rules, regulations, orders and ordinances.

The District Superintendent or designee may suspend or revoke any License issued hereunder if the Licensee violates any provision of these Rules and Regulations or any other applicable regulation, ordinance, or statute. Such Licensee may appeal that suspension or revocation decision to the Board of Trustees for a hearing by filing a written notice of appeal with the Superintendent within seven days of receipt of notice of suspension or revocation.

The Licensee shall file certification of the completion of work under a Permit issued by the District in accordance with all conditions of the Sewer Use Rules and Regulation and Sewer Design Specifications with the District within twenty-four (24) hours after the completion of the work covered in each Permit on the form provided by the District.

## **ARTICLE IV. Sewer Extensions**

### **A. Publicly Constructed Sewer Extensions**

The District may construct sewer extensions under public contract if, in the opinion of the Trustees, the construction is in the best interest of public health, safety or welfare, is recommended or required by an appropriate environmental agency, or is in the best interest of the District. Property owners may propose such extension by drafting a petition signed by the benefiting property owners and filing it with the Board of Trustees.

Prior to authorizing any sewer extension, except as provided by specific state or federal law or regulations, the Trustees shall notify the York Board of Selectmen and Planning Board in order to assure conformity with York's comprehensive plan and other public policies relating to growth and development. The Trustees shall publish notice of the proposed action in a newspaper with general circulation in the District no less than 7 days prior to the meeting at which they will take final action on the authorization of the sewer extension.

Sewer extensions may be constructed only after approval by a majority vote of the Board of Trustees. All sewer extensions within the District shall be designed by an engineer registered in the State of Maine and shall be constructed, tested, operated and maintained in compliance with the York Sewer District Design Specifications and Details.

All costs related to the construction shall be paid by the property owners benefitting from the new sewer facilities, as set forth in State law, the District Charter, and these Rules and Regulations. Such costs include, but are not limited to:

1. plan review, revision, and approval and any studies performed in connection therewith;
2. actual costs of project construction;
3. inspection and testing;

4. administrative, engineering, legal and other costs; and
5. costs associated with changes to existing District Facilities necessary to provide service to the development.

Non-participating properties that later connect to a Public Sewer extended to serve existing development after the sewer extension has been installed will be assessed as if an original participant for a period of 15 years from the time of the project being completed.

## **B. Privately Constructed Sewer Extensions**

Property owners, builders, developers or other Persons may, after making written application with the District, seek approval of the Board of Trustees to construct, at their own expense, a privately constructed sewer extension. The Board may approve construction of such a sewer extension:

1. If such Person satisfies the Board that the construction, testing, operation and maintenance of the extension will all be done in compliance with these Rules and Regulations, the York Sewer Design Specifications, Town ordinances, and all other applicable federal, State and municipal regulations and statutes, regulations and ordinances; and

2. If the Board finds that the construction of the sewer extension is warranted either to serve existing or potential users.

Any Person seeking to construct a privately constructed sewer extension shall pay an application fee and shall deposit with the District sufficient moneys to cover the estimated expense to engage an engineer who will review the construction plans to insure that the plans meet the requirements of the Sewer Extension Design Specifications and who will provide continuous full-time inspection of the construction to assure the District that the Sewer Extension is constructed in conformance with the plans and the Sewer Extension Design Specifications. With respect to either the design or construction of such a sewer extension, the decision of the District's engineer about matters of quality or methods of construction shall be final.

A privately constructed sewer extension shall be designed and constructed to anticipate and allow for all possible future system extensions or developments within the drainage area.

Until ownership of a privately constructed sewer extension is conveyed to the District as provided herein, the owner of that sewer extension shall be responsible for and shall pay all costs incurred to design, construct, test, operate and maintain such sewer extension.

Any Person who constructs and/or owns a sewer extension shall defend, indemnify, and hold harmless the York Sewer District and its authorized Trustees, employees and representatives, against any and all claims, liabilities, and actions for damages incurred with or in any way connected with the design, construction, testing, operation and/or maintenance of such sewer

extension. Further, any contractor constructing such an extension must present a certificate of insurance showing minimum liability coverage of \$1,000,000 for bodily injury and \$100,000 for property damage including underground collapse and completed operations coverage with the District listed as additional insured before a permit for construction of a sewer extension will be issued. Higher coverage may be required if the District deems appropriate.

A privately constructed sewer extension shall not be connected to the District Facilities until:

a. The completed sewer extension has passed all testing requirements set forth in the York Sewer District Design Specifications.

b. The engineer supervising construction on behalf of the District certifies that the sewer extension was constructed in accordance with the plans and the York Sewer District Design Specifications.

c. All costs and expenses the District incurred to review the construction plans and to inspect and monitor construction are paid;

d. A reproducible PDF As-Built drawing of the completed sewer extension is provided to the District; and

e. All other applicable fees have been paid.

The York Sewer District being the appropriate entity to own, operate and maintain the public sanitary sewer facilities, to include but not limited to lines, maintenance holes, pump stations, treatment plants, and sludge utilization and disposal facilities, such privately constructed sewer extension facilities shall become the property of said District after their acceptance by the Trustees.

The Person proposing to construct the privately constructed sewer extension shall obtain authorization to construct the sewer extension from the Trustees prior to commencing construction. Such request must be submitted to the District at least thirty (30) days before a regular meeting of the Trustees to be considered at that meeting.

The District may review and observe, with the right of approval, the construction and installation of any privately constructed sewer extension. No wastewater shall be allowed into the District Facilities from a new privately constructed sewer extension until its construction and installation has been inspected and approved by the District.

The owner of the privately constructed sewer extension shall be responsible for its maintenance and repair until such time that it is accepted by the District. At the time of the District's acceptance of the privately constructed sewer extension, the owner of the privately constructed sewer extension shall provide and maintain a one-year defect bond to the District in the amount of 125% of the cost of the sewer extension to protect the District from defects in materials and workmanship. All entrance charges and sewer user charges derived from the new



sewer extension following its acceptance by the District shall be the sole property of the District.

Non-participating properties that later connect to a Public Sewer extended to serve existing development after the sewer extension has been installed will be assessed as if an original participant for a period of 15 years from the time of the project being completed.

## **ARTICLE V. Rates, Service Charges.**

Section 1. Rates, tolls, rents, entrance fees, impact fees and other charges, including but not limited to service charges, for the use of the Public Sewers shall be paid to the Treasurer of the York Sewer District on or before 30th day of June in each year. Rates, tolls, rents, and other charges shall be levied against any and all Persons owning lots or premises served or benefited by the District Facilities, whether the property is improved or not. These rates, tolls, rents, and other charges shall constitute a lien upon each and every lot or premises so benefited or served, shall have priority over any other claims except claims for taxes, and may be enforced and collected by the Treasurer of the District as provided by the District's Charter and State law.

Section 2. An annual service charge will be based on a fixture count. The term "fixture" as used herein shall mean and include each sink, water closet, urinal, wash basin, bath tub, shower separate from bath tub, washing machine, dish waster, slop sink, garbage disposal unit and/or similar fixture draining into the building drain.

## **ARTICLE VI. Commercial and Industrial Discharge to Public Sewers (CIDPS) Program.**

### **A. Pretreatment Purpose and Policy**

The purpose and policy of the "Commercial and Industrial Discharge to Public Sewers (CIDPS)" is to set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the York Sewer District (YSD), enabling the District to comply with all applicable State laws (06-096 CMR Chapter 528 Pretreatment Program) and Federal laws required by the Clean Water Act of 1972 and the General Pretreatment Regulations (40 CFR, Part 403).

This Article provides for the regulation of direct and indirect contributors to the District's wastewater system through the issuance of permits to certain non-domestic Dischargers and through enforcement of general requirements for the other Dischargers, authorizes monitoring and enforcement activities, requires User reporting, establishes administrative review procedures, assumes that existing customer capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This Article shall apply to Users of the District Facilities. Any User that discharges wastewater into the District's wastewater system, shall comply with the terms and conditions

established in these Rules and Regulations, as well as any permits or orders issued hereunder. Except as otherwise provided herein, the District shall administer, implement, and enforce the provisions of this Article.

The objective of these Rules and Regulations is to;

- A. Prevent the introduction of pollutants into the District's wastewater system that will interfere with the operation of the system or negatively affect the quality of the resulting sludge or its marketability.
- B. Prevent the introduction of Pollutants into the District Facilities which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW.
- C. Provide for the equitable distribution of the cost of the District Facilities
- D. Protect, in addition to the general public, the District's Personnel who may come into contact with sewage, sludge and effluent in the course of their employment.
- E. Ensure the District's compliance with its MEPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the District Facilities may be subject.
- F. Improve the opportunity to recycle and reclaim wastewater and sludges from the system.

## **B. Administration**

**1. District Actions.** If any waters or wastes are discharged or are proposed to be discharged to the Public Sewers, which contain the substances or possess the characteristics enumerated in this Article, and which in the judgment of the District may have a deleterious effect upon the District Facilities, processes, equipment or receiving waters, which otherwise create a hazard to life or constitute a public nuisance, the District may:

- a. Reject the Wastes,
- b. Require pretreatment to an acceptable condition for discharge to the Public Sewers,
- c. Require control over the quantities and rates of Discharge, and/or
- d. Require payment to cover the added cost of handling and treating the Wastes or Wastewaters not covered by existing sewer charges under the provisions of these Rules and Regulations.

## **2. District Review of Pretreatment Facility Plans**

If the District permits the installation of pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District and subject to the requirements of all applicable codes, ordinances and laws.

Detailed plans describing such facilities and operating procedures shall be submitted to the District for review and shall be accepted by the District before such facilities are constructed or operating procedures are initiated. The User shall reimburse the District for any expense, including the cost for the District to obtain expert advice or assistance in order to review and to accept the facilities and operating procedures. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of the Rules and Regulations. Any subsequent changes in the facilities or operating procedures shall be reported to and must be approved by the District prior to the User's initiation of the changes.

### **3. Prohibited Wastes and Wastewaters**

Prohibited Wastes and Wastewaters shall be processed or stored in such a manner that these wastes shall not be discharged to the District Facilities. All floor drains located in process or materials storage areas must discharge to the User's pretreatment facility before connecting with the District Facilities. When the District determines that a User(s) is discharging to the District Facilities, any substance(s) in such amounts as to interfere with the operation of the District Facilities, the District shall:

- Advise the User(s) of the impact of the discharge on the District Facilities, and
- Develop effluent limitation(s) for such User to correct the Interference with the District Facilities if none exist in these Rules and Regulations

### **4. Fats, Oils and Grease (FOG)**

**a. Fats, Oils, and Grease Permit.** The District shall issue a Fats, Oils, and Grease (FOG) Permit to approved applicants. Approved FOG Permits are required to discharge wastewater into the District Facilities for all Food Service Establishments, as defined in these Rules and Regulations. Permits must be renewed annually.

The FOG Permit shall determine the required cleaning schedule of the Interceptor based on the FSE's Menu Type, Number of Meals per Day, and the Size of the Installed Interceptor.

Any User planning expansion, remodeling, or process modifications must submit an updated FOG Permit Application, 30 days prior to starting the modifications. Upon approval, the District shall issue a revised FOG Permit to the establishment

**1) Grease Interceptors.** Grease Interceptors must be installed where food is prepared or dispensed, including but not limited to: restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, bed-and-breakfasts, hospitals, sanitariums, factories, school kitchens, commercial kitchens, and nursing homes.

A Grease Interceptor is not required for individual dwelling units or for any single-family private living quarters. Establishments which are not connected to the District Facilities are exempt from the requirements of this Article as long as their waste is disposed of outside the jurisdiction of the York Sewer District.

Oil and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.

All costs incidental but not limited to the application, permitting, installation, testing, inspection, and maintenance of the grease removal system shall be borne by the owner.

No Wastewater, other than from kitchen fixtures or food processing equipment, shall be discharged into the Grease Interceptor unless approved by the District in writing. Wastewater from sanitary sources such as toilets and bathroom sinks are prohibited from being discharged to the grease removal system.

Any User required to install a Grease Interceptor must size, select, install and properly maintain an approved type of grease interceptor in accordance with the Districts Grease Interceptor Sizing and Selection Method and FOG Permit Application.

An automatic electrical/mechanical Grease Interceptor or Grease Trap may be approved solely at the District's discretion where physical constraints prevent the installation of an approved type of Grease Interceptor. These units shall be of substantial construction, watertight and equipped with easily removable covers which when secured in place shall be gastight and watertight. Internal units shall have a minimum capacity of 20 gallons per minute flow.

Sand and oil interceptors, when in the opinion of the District are necessary, shall conform to the standards described in the current Uniform Plumbing Code.

All Grease Interceptors shall be approved by the District. Hydromechanical Grease Interceptors shall comply with ASME A112.14.3, PDI G101, or CSA B481. When approved for installation, Gravity Grease Interceptors shall comply with IAPMO/ANSI Z1001, and Automatic Grease Removal Units shall comply with ASME A112.14.4 or CSA B481. Any plans for such grease removal systems as required in this Section shall be submitted for District review and approval prior to installation. The District shall be notified seventy-two (72) hours prior to installation of any Grease Interceptor in order to inspect and oversee the installation.

All Grease Interceptors shall be installed with all of the manufacturer's required components for the unit to operate as designed. These components are required to remain installed at all times in order for the device to be compliant.

All Grease Interceptors shall be made from materials that are compatible with a pH of 3. Grease Interceptors that are made from materials that are subject to corrosion such as concrete or steel, shall be lined or coated with a durable material approved by the District that is

compatible with a pH of 3 and that cannot be easily penetrated, scraped off or removed. Acid Resistant Enamel coatings (A.R.E) are not allowed.

All Wastewater from food preparation operations and/or washing and clean-up operations, including but not limited to pot sinks, pre-rinse stations, hand sinks, work stations, soup kettles, braising pans, wok ranges, mop sinks, floor sinks, floor drains, emergency floor drains and wastewater generated from exhaust fan hood cleaning operations, or any other fixtures required by the District, must discharge to the Grease Interceptor. All automatic dishwasher wastewater must bypass the Grease Interceptor and be discharged directly into the Sewer System.

Garbage disposal units are not permitted unless approved by the District.

Each Grease Interceptor shall be so located as to be readily and easily accessible for cleaning, inspection, and/or sampling at all times. A suitable sampling location shall be provided for sampling of the discharges from Grease Interceptors. All Automatic Grease Removal Devices must have a sampling valve installed on the discharge piping with a minimum clearance of eight (8) inches for the installation of sampling bottles, or an in-ground sample well on the discharge side.

Owners of properties in which Grease Interceptors are installed must, on Grease Cleaning Record Forms provided by the District, maintain a record of the dates that such Grease Interceptors are cleaned as required by the Owner's FOG permit. These forms remain the property of the District and are recognized proof of cleaning, and will be collected by the District at the end of each calendar year. Seasonal businesses are exempt from cleaning requirements during the times of year when they are closed.

Grease Cleaning Record Forms shall be displayed proximal to the location of the grease interceptor if applicable. At a minimum said forms will be kept in prominent location, accessible to the District at all times.

When approved for installation, Gravity Grease Interceptors shall be inspected monthly by the owner(s) and shall be cleaned by a State licensed liquid waste hauler whenever the level of grease is 25% of the effective depth of the trap or at least every three months, whichever is sooner or more frequently if required. The Owner(s) shall be responsible for the proper disposal by legal and environmentally safe methods of the captured material and shall maintain records of inspections and the date, name of hauler, quantity hauled and means of disposal on the Record Form provided by the District.

When approved for installation, Automatic Grease Removal Devices shall be cleaned as needed and at the minimum of one time every two weeks during July, August and September and one time every four weeks at other times of the year or more frequently if required. Automatic Grease Removal Devices shall be cleaned by a State licensed liquid waste hauler at least once per year.

Hydromechanical Grease Interceptors shall be cleaned by a State licensed liquid waste hauler at the frequency determined on the Districts FOG Permit Application or more or less often as determined by the District.

When approved by the District, self-cleaning by FSE owners must include completely removing the interceptor's contents, all internal surfaces scrubbed and cleaned to remove accumulated FOG, the interceptor refilled with fresh water, and the evacuated contents properly disposed of.

No user may cause or allow to be introduced into a Grease Interceptor any chemical, bacterial, enzyme or other additive, directly or indirectly, that interferes with the normal operation of the device or causes pass-through of prohibited substances.

If inspection and/or sampling indicates minimum cleaning requirements are not adequate, additional cleanings shall be required.

**2) Inspections.** As outlined in these Rules and Regulations the owner and tenant of the premises with a FOG Permit shall grant to the District permission to conduct unannounced inspections of any installed Interceptor(s). Should an inspection show a violation of this section, the owner and/or tenant of the premises shall be subject to enforcement as described in these Rules and Regulations.

## **5. Federal Categorical Pretreatment Standards**

If Federal Categorical Pretreatment Standards for a particular industrial sub-category (the "Federal Standards") are more stringent than limitations imposed under these Rules and Regulations or sources in that sub-category, they shall immediately supersede the limitations imposed under these Rules and Regulations. The District shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

## **6. Pretreatment Facilities**

Users shall provide necessary Wastewater treatment as required to comply with this Article and shall achieve compliance with all Categorical Pretreatment Standards, local discharge limits, and prohibitions within the time limitations specified by the District. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be approved prior to construction of the facilities. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as required to produce an effluent which complies with the provisions of these Rules and Regulations or from liability for non-compliance with Pretreatment Standards or Pre-treatment Requirements and these Rules

and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the District prior to the User's initiation of the changes.

a. Whenever deemed necessary, the District may require Users to restrict their Discharge during peak flow periods, designate that certain Waste specific sewers, relocate and or consolidate points of discharge, separate other sewage wastewaters and waste streams from Industrial waste streams, and such other conditions as may be required to protect the POTW and determine the User's compliance with the requirements of these Rules and Regulations.

b. The District may require any User discharging into the POTW to install and maintain on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be required solely for flow isolation.

c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substance, sand, or other harmful substances; except that such interceptors shall not be required for residential Users. All interceptor units shall be of a type and capacity approved by the District and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed by the owner at his/her expense.

## **7. State Requirements**

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal Requirements and the limitations in these Rules and Regulations.

## **8. Records and Public Notification Procedures**

All records relating to compliance with these Rules and Regulations, applicable Pretreatment Standards and Pretreatment Requirements as defined in 40 CFR §403.3(j) and (r) shall be made available to officials of the EPA, DEP, or District upon request. In addition, pursuant to the public participation requirements of 40 CFR Part 25, the District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the District, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with these Rules and Regulations, applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Commercial/Industrial Users (or any other User that violates these Rules and Regulations and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all measurements taken for the same pollutant parameter

taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW Personnel or the general public;
- (d) Any discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of these Rules and Regulations.

## **9. District's Right of Revision**

The District reserves the right to establish by revision or amendment of these Rules and Regulations more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Article.

## **10. Excessive Discharge**

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance



with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the District or State.

## **11. Discharges**

Each User shall provide protection from discharge of prohibited materials or other substances regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owners or Users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and shall be approved before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the Users facility as necessary to meet the requirements of this section. In the case of a discharge, it is the responsibility of the User to:

- a. Immediate Notice – Regardless of time of day, the User shall immediately telephone and notify the District of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- b. Written Notice - Within five (5) days following an accidental discharge; the User shall submit to the District a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. 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 District Facilities, fish kills, or any other damage to Person or property; nor shall such notification relieve the User of any fines, civil charges, or other liability which may be imposed by this article or other applicable law.
- c. Notice to Employees - A notice shall be permanently posted on the Users bulletin board or other prominent place advising employees whom to call in the event of a Discharge. Employers shall insure and document that all employees who may cause or suffer such a Discharge to occur are advised of the emergency notification procedure.

## **12. Fees**

### **a. Purpose**

The fees established herein are to provide for the recovery of the costs associated with the implementation and maintenance of the CIDPS Program from Users of the District Facilities.

### **b. Charges and Fees**

The District may adopt charges and fees that may include:

1. fees for reimbursement of costs of setting up and operating the District's CIDPS Program;
2. fees for monitoring, inspections and compliance procedures;
3. fees for reviewing discharge procedures and construction;
4. fees for filing appeals;
5. fees for consistent removal (by the District) of pollutants otherwise subject to Federal Pretreatment Standards;
6. other fees as the District may deem necessary to carry out the requirements contained herein;
7. penalties for violation of pretreatment/discharge requirements.
8. Fees for the direct impacts of the User's discharge on District systems.

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

### **13. Pretreatment Procedures (Permitting, Compliance Tracking, and Enforcement)**

The District's Pretreatment program consists of four major elements: the identification and categorization of Dischargers and determination of pretreatment requirements; the issuance of Permits; the tracking of Dischargers to ensure compliance with Permits; and the enforcement of all rules and regulations. The intent of these procedures is to establish the administrative mechanism to allow the efficient and effective implementation of this section.

#### **a. Identification and Categorization of Dischargers and Determination of Pretreatment Requirements**

##### **1) Identification of Dischargers**

All Dischargers of Non-domestic Waste are subject to the pretreatment regulations of this Article and must be reviewed to evaluate applicability of pertinent requirements.

**Existing Dischargers** - The primary tool for identifying existing Dischargers who may be subject to the District's pretreatment requirements is a preliminary screening questionnaire and accompanying letter of transmittal. The questionnaire and letter will be sent to any known or suspected Discharger who has not been categorized as below. The function of the questionnaire is to obtain sufficient information to determine what further action will be required to categorize the Discharger. Should there be no response from the recipient to the questionnaire, a second questionnaire will be sent with a letter of transmittal detailing the eventual consequence of non-response. Should the second questionnaire elicit no response, the name of the Discharger will be referred for follow-up under enforcement procedures. A record of all businesses contacted, and the subsequent responses will be maintained.

**New Dischargers** - The District will provide each applicant for a business license a questionnaire that will accompany the sewer permit application. The applicant for the business license shall complete the questionnaire and submit it with the sewer permit application to the District. After the completed questionnaire is returned, and the responses provided evaluated by the District, the business will be placed in one of the four categories of the Pretreatment program.

## **2) Categorization**

Upon receipt of the required information, each Discharger will be placed into one of the following categories for program management. Categorization will be made in as fair and equitable manner as possible. General guidelines for identifying category placement are given below.

**Commercial** - Those businesses which have no discharge other than normal sanitary wastewater, or whose non-sanitary discharge has no significant effect on the District Facilities shall be placed in this category. Businesses so designated may be tracked by the District. These Businesses will be maintained in the District's inventory in case a change in status is required in the future. For those businesses designated Commercial, a permit may be executed between the District and Discharger.

**Food Service Establishments** - Businesses that prepare and/or serve food commercially are placed in this category. A business so categorized will be monitored for oil/grease and any other constituents that, in the District's judgment, may interfere with the operation and maintenance of the District Facilities. In addition, any discharger placed in this category will be required to fill out a FOG (Fats, Oil, & Grease) Permit Application. A permit delineating specific requirements for the discharger will be executed between the District and the discharger so designated. In addition, the Discharger will be subject to the District's compliance tracking program.

**Industrial User** - Businesses with Wastewater Discharges that do not fall under State or Federal Industrial pretreatment guidelines. Businesses which contain Discharges that contain some constituent of concern to the District, or whose Discharge may interfere with the operation and maintenance of the District Facilities will be subject to control by the District. A permit delineating specific requirements for the Discharger will be executed between the District and the Discharger for all Dischargers designated Industrial. In addition, the Discharger will be subject to the District's compliance tracking program.

**Significant Industrial User** - Businesses that are subject to State and Federal Industrial Pretreatment rules and regulations will be placed in this category. Generally, in accordance with State requirements, a business which is discharging a wastewater with one or more of the following characteristics will be placed in this Category:

- An industrial user subject to Categorical Pretreatment Standards under 40CFR (Code of Federal Regulations), 403.6 and 40 CFR, Chapter I, subchapter N and 06-096 CMR Chapter 528 Pretreatment Program. Any industry that falls under these categories is considered a SIU whether it has process discharge to the sewer or not. These industries are Categorical Industrial Users (CIUs);
- Any industry which discharges an average of 25,000 gallons per day or more of process wastewater to the sewer system (excluding sanitary, contact cooling and boiler blowdown wastewater);

Businesses placed in this category will be required to execute a permit with the District for the purpose of providing the District a means of regulating the Discharge and will be subject to the District's compliance tracking program.

### **3) Monitoring Facilities**

The District shall require all Food Service Establishments, Industrial Users, and Significant Industrial Users to provide and operate, at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Building Sewer and/or internal drainage system. The monitoring facility shall normally be situated in the User's premises, but the District 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 with the required, appropriate permission from the Town 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 always be maintained in a safe and proper operating condition at the expense of the User.

### **4) Inspection and Sampling**

The District shall inspect the facilities of any User to ascertain whether the User is complying with all requirements and the purpose of this section is being met. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The District and the Approval Authority shall have

the right to set up on the Users 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 their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, Personnel from the District, MDEP, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

### **5) Determination of Pretreatment Requirements**

After the User is placed in one of the categories previously described, requirements for the User must be determined. The District will make Food Service Establishments and Industrial User requirements based on available information and Significant Industrial Users in coordination with MDEP. Effluent limits for priority/categorical pollutants will be in accordance with those promulgated by EPA and MDEP; unless more stringent limits are necessary to protect the District's wastewater collection and treatment system.

### **6) Modification of Program Requirements for Dischargers**

Periodically, changes in pretreatment requirements of existing dischargers may be appropriate. When such changes are deemed necessary, the procedures listed below are applicable:

- 1) The Dischargers will be notified in writing of the proposed change and of the basis for the change.
- 2) Included in the notice of change will be any draft permit or requirements, if appropriate.
- 3) The proposed change in discharger requirements will be effective thirty (30) days after notice. Should a discharger object to the change, such objection must be registered with the District within thirty (30) days of receipt of the notice of proposed change.
- 4) The filing of a request by the User for a permit modification does not stay any condition of its existing permit.

#### **b. CIDPS Permits**

The basis for regulating discharges to the District Facilities under this Article will be through CIDPS permits between the Discharger and the District. CIDPS Permits will be issued and enforced by the District in coordination with the MDEP (when required) but are directly controlled by the District. These CIDPS permits will specifically identify all pretreatment requirements to be enforced by the District that the Discharger must meet and will provide the

District that authority required by Federal pretreatment regulations. Dischargers may be subject to other State and Federal pretreatment requirements not included in the District's CIDPS permit. Should a User be required to construct a pretreatment facility, such a requirement and a schedule for completion of such facility will be included as an enforceable portion of the User's Permit.

### 1. CIDPS Permit Application

Proposed new Users which are subject to Pretreatment Requirements under this Article shall apply at least 45 days prior to connecting to or contributing to the District Facilities. In support of the application, the User shall submit, in units and terms appropriate for evaluation. The District will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the District may issue a Pretreatment Wastewater Discharge Permit subject to terms and conditions required by the District, which will be part of User's CIDPS Permit.

### 2. CIDPS Permit Conditions

Pretreatment Wastewater Discharge Permits shall be expressly subject to all provisions of this section and all other applicable regulations, user charges and fees established by the District, and may contain the following:

- a) the unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer;
- b) limits on the average and maximum wastewater constituents and characteristics;
  - mg/l ammonia
  - mg/l arsenic
  - 250 mg/l BOD<sub>5</sub>
  - mg/l cadmium
  - mg/l chromium
  - mg/l copper
  - mg/l cyanide
  - mg/l lead
  - mg/l mercury
  - mg/l molybdenum
  - mg/l nitrogen (total)
  - mg/l nickel
  - 100 mg/l oil and/or grease
  - mg/l selenium
  - mg/l silver
  - mg/l total phenols
  - 250 mg/l total suspended solids

mg/l zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. [The District] may impose mass limitations in addition to the concentration-based limitations above.

- c) limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- d) requirements for installation and maintenance of inspection and sampling facilities;
- e) specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- f) compliance schedule;
- g) requirements for submission of technical reports or discharge reports;
- h) requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District, and affording District access thereto;
- i) requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- j) requirements for notification of slug discharges; and
- k) other conditions as deemed appropriate by the District to ensure compliance with this section.

### **3) Permit Duration**

Pretreatment Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than a year or may state the specific date of expiration. A minimum of 180 days prior to the expiration of the User's existing permit, the User shall apply for renewal of the permit. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a time schedule for compliance.

### **4) Permit Transfer**

Pretreatment Wastewater Discharge permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new Owner, new User, different premises, or a new or changed operation without the prior written approval of the District. Any succeeding Owner or User shall also comply with the terms and conditions of the existing permit.

## **5) Confidential Information**

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from 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 District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When so 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 the CIDPS, the MEPDES, and/or Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State 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 unless deemed by State law confidential.

The District shall not transmit to any governmental agency or to the general public information accepted by the District as confidential, until and unless a ten-day notification is given to the User.

### **c. Compliance Tracking**

The purpose of the compliance tracking program is to insure that all Permitted Dischargers are meeting the terms of their CIDPS Permits. There are four major components of the compliance tracking program.

#### **1) Self-Monitoring Reports**

**Significant Industrial Users** are required to submit a self-monitoring report monthly to the District as designated in their CIDPS Permit. This report is to be submitted to the District so that it is received no later than the 14<sup>th</sup> day following the monitoring period covered. Failure to submit such report will be a breach of the CIDPS Permit and could result in enforcement action.

**Industrial Users** are required to submit a monthly or quarterly self-monitoring report, as designated in their CIDPS Permit with the District so that it is received



no later than the 14<sup>th</sup> day following the monitoring period covered. Failure to submit such report will be a breach of the CIDPS Permit and could result in enforcement action.

**Food Service Establishments** are not required to submit a monthly, self-monitoring report. The District does all official monitoring.

## **2) Compliance Evaluation Inspections**

The purpose of compliance evaluation inspections (CEI) is to insure the proper operation of any pretreatment facilities specified in CIDPS Permits with Permitted dischargers. These inspections are a "walk-through" type and do not involve effluent sampling. These inspections should confirm that all required facilities are in place and being properly operated. A CEI may be done concurrently with the compliance sampling inspection (CSI) described below. All Category permitted facilities will receive a CEI at least annually.

## **3) Compliance Sampling Inspection**

The purpose of the compliance sampling inspection (CSI) is to ensure that those effluent limits specified in a Discharger's permit are being achieved.

a) During a CSI for permitted dischargers, samples will be taken from the dischargers effluent as deemed necessary by the District.

Any User that meets one or more of the following criteria shall be considered in significant noncompliance:

a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same parameter.

b) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other parameters except pH).

c) Any other effluent violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of York Sewer District Personnel or the general public).

d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the District exercising its emergency authority under paragraph 40 CFR Part 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

#### **4) Inspection Summary Reports**

Reports will be maintained of all inspection results by the District.

### **14. Special Agreements**

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the District and any industrial concern by the District for treatment, subject to payment therefor, by the industrial concern as long as the industrial waste is still in compliance with Federal and State Regulations.

The District may require a User of the sewer services to provide information needed to determine compliance with these Regulations. All measurements and analyses shall be performed at the User's expense. The requirements may include:

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

### **15. Sampling and Testing**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these Rules and Regulations shall be determined in accordance with the

latest approved edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

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

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore, by the industrial concern as long as the industrial waste is still in compliance with Federal and State Regulations.

When required by the District, the owner of any property serviced by a building sewer carrying commercial or industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his/her expense and shall be maintained by him so as to be safe and accessible at all times.

## **16. Indemnification**

In any and all instances where the District has reasonable cause to believe that any of these Rules and Regulations, or provisions set forth herein or that have otherwise been adopted by the District have been, may be, or are being violated by any User discharging waste into the District wastewater collection and treatment system, in addition or as an the alternative to any enforcement proceedings the District may bring under Article VII, the District may require such Person to give bond or enter into an indemnity agreement in a form acceptable to the District with sufficient surety to protect, indemnify, hold harmless and defend the District from any loss, damage, or expense that may suffer or incur as a result of non-compliance or violation by

such user; and, in the event of the failure to do so after ten (10) day notice by registered U. S. Mail that the same will be required. The use of the District's wastewater collection and treatment system by such User shall be denied or discontinued.

## **ARTICLE VII. Sub-Meter Program.**

### **Purpose and Scope**

It is the purpose of these Rules and Regulations to set forth uniform requirements for Dischargers using the District Facilities in regard to volumetric measurement of Sewer Discharges. The customer will be required to bear all costs associated with the installation and maintenance of the sub-meters. Under the District's program the following two types of sub-meters can be installed:

1. Deductive Sub-meter in which your Wastewater bill is reduced by usage that flows through this sub-meter and does not discharge to the Public Sewer. This sub-meter is normally associated with irrigation of lawns and gardens, cooling towers on buildings and pool filling. By installing this sub-meter, you will be able to water your lawn and fill your pool without paying a sewer charge for the water used. This is the typical sub-meter for most residential applications. Meters of this type must record in cubic feet. The District has a separate Deductive Sub Meter guidance document to refer to prior to installation.
2. Sewer/Wastewater Flow Sub-Meter in which your Wastewater bill is calculated on usage that flows through this sub-meter and discharges into the Public Sewer. This sub-meter is used to measure water that is being discharged to the Sanitary Sewer System and is normally associated with post process wastewater, cooling tower blow down or Industrial Wastewater Discharge. By installing this sub-meter, your wastewater bill will be calculated by the volume that discharges through this sub-meter. This is a sub-meter that may be used in some commercial/ industrial applications. Sewer/Reverse mode sub-meters will be required to receive an annual calibration by a certified technician with documentation of such submitted to the District.

### **Use of Sub-meters**

- (a) The Deductive and Wastewater Flow sub-meter program allows York Sewer District Dischargers to use data from private water sub-meters in the calculation of their wastewater volume charge (WWVC).
- (b) The York Sewer District will assist in determining whether the applicant needs a Deductive/Subtractive Sub-meter or Sewer/Reverse Mode Sub-Meter application.
- (c) Each Deductive sub-meter must be installed and configured to separate the water distribution lines on the Discharger's property which drain to the sanitary sewer ("tributary lines") from those which do not drain to a sanitary sewer ("non-tributary lines").

- (d) The applicant will be responsible for all costs associated with the installation and maintenance of the private sub-meters. The private sub-meters belong to the property owner.
- (e) Since the sub-meter will be private, the applicant will be required to maintain it in good operating condition per manufacturer's specifications.
- (f) Wastewater Flow sub-meters will be required to undergo an annual calibration by a certified technician with that documentation of such submitted to YSD.

#### **Deductive Sub-meter**

- (a) Tributary lines serve interior (domestic) uses, and non-tributary lines serve exterior (primarily irrigation/ pool) uses.
- (b) The customer or their hired contractor shall install the private Deductive sub-meter on the non-tributary line.

#### **Wastewater Flow Sub-Meter**

- (a) In the commercial / industrial situation, tributary lines may serve interior uses which reduce the volume of water discharging into the sewer. Several examples include food or beverage production, cooling tower blow down, post production / process wastewater or industrial wastewater discharge. By installing this sub-meter, your wastewater bill will be calculated by the volume that discharges through this sub-meter only.
- (b) The use of such a meter will be investigated and coordinated with the District during the application process.
- (c) Wastewater Flow sub-meters will be required to receive an annual calibration by a certified technician/ plumber with documentation of such calibration submitted to the District.
- (d) Wastewater Flow sub meters shall be provided with telemetry with constant monitoring connected to the York Sewer District. This requirement will be reviewed as part of the application process.

#### **Application and Installation of Sub-meter**

The following steps are required for the activation of any sub-meter:

1. Before a sub-meter can be installed the District must review, approve and authorize any sub-meter application/installation.
2. Applicant will be responsible for any and all costs associated with the sub-meter purchase and installation.

3. Applicant shall complete the approved sub-meter installation and notify the District when ready for inspection.
4. Applicant is responsible for submitting deductive sub-meter readings in writing on a form provided by the District and provide this form to the District by November 30<sup>th</sup> of each year in order to utilize the data in their WWVC. If this form is not received November 30<sup>th</sup> no deduction will be applied to the WWVC.

## **ARTICLE VIII. Enforcement and Appeals.**

### **a. Enforcement**

**1. Generally.** Any Person who: 1) discharges Sewage, Industrial Wastes or other Wastes into the District Facilities contrary to the provisions of these Rules and Regulations, Federal or State law, regulation, or order or any order or Bylaw of the District, or 2) otherwise violates any provision of these Rules and Regulations, Federal or State law, regulation, or order, or any order or Bylaw of the District, or violates a permit issued hereunder, shall be served by the District with written Notice of Violation, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. That Person shall, within the period of time stated in such Notice of Violation, permanently cease or correct all violations. An explanation of the violation and a plan for satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by that Person to the District during the period provided for correction of the violation. Submission of this plan in no way relieves the Person of liability for any violations occurring before or after receipt of the Notice of Violation.

If that Person fails to take the required action specified in the Notice of Violation or in the plan submitted by the violator, or the violation continues, the District will take whatever measures necessary to correct or alleviate the violation. Any costs incurred by the District to do so will be at the expense of the Person.

Any Person who shall continue any violation beyond the time limit provided for in the Notice of Violation or refuses to correct or abate the violation shall be fined in the amount not exceeding two thousand five hundred dollars (\$2,500) for each violation, with each day of a continuing violation constituting a new violation. Where multiple sections of these Rules and Regulations are violated each one shall be deemed a separate violation. The District may institute a civil action to recover fines and costs for violations, and in addition or in the alternative, may seek equitable relief, including but not limited to temporary or permanent injunctive relief.

Any Person violating any of the provisions of these Rules and Regulations, or Federal or State law, regulation, or order, or any order or Bylaw of the District; shall become liable to the District for any expense, loss or damage occasioned the District by reason of such violation, including but not limited to costs and reasonable attorneys' fees to enforce these Rules and Regulations. Any such liability shall be in addition to fines and equitable relief sought by the District in connection with a Notice of Violation.

The District may enter into Consent Orders, assurances of voluntary compliance or other similar documents establishing an agreement with any Person responsible for a violation or noncompliance. Such documents will include specific action to be taken by the Person to correct the violation or noncompliance within a time period specified by the agreement.

Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a written Notice of Violation.

**2. CIDPS Permits.** In addition to or in the alternative to the enforcement provisions above, the District may take any or all the following actions in enforcement of violations of CIDPS Permits

**a. Actions and penalties available for Enforcement.** In the conduct of enforcement under Article VII, the District may take any or all of the following range of actions and penalties to address a violation of the CIDPS Permit.

Action	Application	Description	User Response	Fee
Letter of Warning	Instance of noncompliance	Letter advising User of instance of non-compliance	Address instance of non-compliance and inform District	None
Notice of non-compliance	Significant instance of noncompliance	Notice advising User of instance of non-compliance	Investigation, report, and statement of corrective action	Minimum of \$225 per occurrence, to be assessed if User fails to comply with subsequent District order
Notice of Violation	Significant instances of noncompliance or any discharge which threatens YSD and/or general public	Cease and desist order requiring compliance within 90 days	Formal compliance plan and schedule, interim and final compliance progress reports	Minimum of \$1,000 per occurrence, to be assessed if User fails to comply with subsequent District order



## **b. Harmful Contributions**

The District may suspend the wastewater treatment service and/or a CIDPS permit when such suspension is necessary, in the opinion of the District, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of the Persons or the environment, causes interference to the District's Wastewater Collection and Treatment System or causes the District to violate any condition of its MEPDES Permit.

Any Person notified of a suspension of the wastewater treatment service and/or their CIDPS permit shall immediately stop or eliminate the contribution. In the event of the failure of the Person to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary including immediate severance of the sewage connection, to prevent or minimize damage to the District's wastewater collection and treatment system or endangerment to any individuals or the environment. The District shall reinstate the permit and/or wastewater treatment service upon statement submitted to the District, by the User within 15 days of the date of the occurrence describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

## **c. Special Charges and Permits**

All industrial wastes or industrial wastewaters discharged into the District Facilities under agreement with the District where BOD does not exceed 250 mg/l, where FOG does not exceed 100 mg/l, and where the TSS does not exceed 250 mg/l shall be handled by the District for the rates adopted and published annually by the District for normal conveyance and treatment of wastewaters.

All Commercial or Industrial Wastes or Wastewaters discharged into the District Facilities which exceed one or more of the limits above shall pay additional charges at the rate per pound as stated in the District rates published annually.

All Commercial or Industrial Wastes, before being discharged into the District Facilities shall be metered and no waste shall be discharged until so metered. Cost of the meter and all necessary maintenance shall be borne by the User. Appropriate devices or access areas shall be installed and maintained for the purpose of sampling such waste and the District shall have free and continued access over the property of the User for the purpose of sampling the waste. The District may take such samples at any time or any place as determined by the District.

The District reserves the right to enter into special permits with industrial customers for the collection, treatment and disposal of industrial or sanitary sewage or waste and to enter into permits for the construction and use of special treatment plants under the terms and conditions for the use thereof, and the provisions of this section may be altered, changed, amended or extended under the terms and conditions of such permits.

#### **d. Termination of Permit**

Any User who violates the following conditions of this section, or applicable state and federal regulations, is subject to having its CIDPS permit terminated in accordance with the procedures set forth in Article V.

- 1) Failure of a User to factually report the wastewater constituents and characteristics of his discharge
- 2) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics
- 3) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring
- 4) Violation of conditions of the Permit

#### **e. Termination of Service**

The District may terminate wastewater disposal service and disconnect a pretreatment customer from the system when:

1) A government agency informs the District that the effluent from the wastewater treatment plant is no longer of quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the District Facilities that cannot be sufficiently treated or requires treatment that is not provided by the District as normal domestic treatment.

2) The customer:

- a) discharges Industrial Waste or Wastewater that is in violation of the CIDPS Permit with the District;
- b) discharges water or wastes having a deleterious effect upon the District's sewer system;
- c) discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
- d) repeats a discharge of prohibited wastes to the District's sewer;
- e) fails to pay monthly bills for sewer service when due; or
- f) fails to pay all CIDPS permit charges when due.

The District shall not be held responsible in any way for any damages or inconveniences experienced by the User as a result of termination of service.

#### **b. Appeals**

**1)Appeal to the Superintendent.** Any Person aggrieved by any Decision, Permit or Order of the District under these Rules and Regulations, including but not limited to enforcement

decisions, may file written objections to the same within thirty (30) calendar days of receipt of the Decision, Permit or Order of the District to the Superintendent of the District. The Superintendent shall reply to the objections within 20 working days of receipt.

**2) Appeal to the Board of Trustees.** Decisions by the Superintendent, including any decision on written objections, may be appealed to the Board of Trustees within thirty (30) calendar days of notification of the Decision. The appellant will be given written notice of the time, date and place of the Trustees' hearing, and may present its appeal at said hearing. A Person aggrieved by the decision of the Board of Trustees may appeal to the Maine Superior Court within thirty (30) calendar days from receipt of the decision of the Trustees.

## **ARTICLE IX. Protection from Damage.**

No unauthorized Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District Facilities. Any Person violating this provision shall be subject to immediate arrest and punishable by law and or fine by the District.

## **ARTICLE X. Powers and Authority of Inspectors.**

The Superintendent and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of the ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment. Any information so obtained and considered as proprietary shall be held so by the District.

While performing the necessary work on private properties referred in this Article, the Superintendent or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the owner or operator of said premises and made available to the District.

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

**ARTICLE XI. Severability.**

If any provision, paragraph, word, section or article of these Rules and Regulations is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

**ARTICLE XII. Validity.**

All rules and regulations or parts of rules and regulations in conflict herewith are hereby repealed. 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.

**ARTICLE XIII. Effective Date.**

These Rules and Regulations shall be in full force and effect immediately upon its passage, approval, recording and publication as provided by law. Adopted by the Sewer District of the Town of York, County of York, State of Maine on the \_\_\_\_\_ day of June, 2019, by the following vote:

AYES    \_  
NAYS    \_

Approved this \_\_\_\_\_ day of June, 2019

By:

\_\_\_\_\_, Chairman of the Board of Trustees

\_\_\_\_\_, Vice Chairman of the Board of Trustees

\_\_\_\_\_, Treasurer of the Board of Trustees

\_\_\_\_\_, Clerk of the Board of Trustees

\_\_\_\_\_, Trustee