

**YORK SEWER DISTRICT  
YORK, MAINE**

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





## TABLE OF CONTENTS

			<u>Page</u>
Article	I	Definitions	3
Article	II	Building Sewers, Connections, and Use of Public Sewers	14
Article	III	Licensing of Authorized Installers	25
Article	IV	Sewer Extensions	26
Article	V	Rates, Service Charges	29
Article	VI	Commercial and Industrial Discharges to Public Sewers (CIDPS) Program	29
Article	VII	Submeter Program/ <b>Abatement Requests</b>	56
Article	VIII	Enforcement and Appeals	59
Article	IX	Powers and Authority of Inspectors	64
Article	X	Severability	65
Article	XI	Validity	65
Article	XII	Effective Date	66
Appendix A		Design Specification	
Appendix B		YSD Details	

Be it ordained and adopted on the date last stated by the York Sewer District, County of York, State of Maine, these “Rules and Regulations Governing the Use of 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:

## **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. **CIDPS** – Commercial and Industrial Discharge to Public Sewers
6. **COD** - Chemical Oxygen Demand
7. **EPA** - Environmental Protection Agency
8. **FOG** – Fats, Oils & Grease
9. **GPD** – Gallons per day
10. **l** - Liter
11. **MGD** - Million gallons per day
12. **mg** - Milligrams
13. **mg/l** - Milligrams per liter
14. **MEPDES** - Maine Pollutant Discharge Elimination System
15. **POTW** - Publicly Owned Treatment Works
16. **TSS** - Total Suspended Solids
17. **USC** - United States Code

### **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 mean the Maine Department of Environmental Protection (MDEP).

**Authorized or Duly Authorized Representative of the User:**

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

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

**Best Management Practices (or “BMPs”)** shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article II D of these Rules and Regulations [derived from 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 from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five (5) feet outside the inner face of the building wall.

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

**Bypass** shall mean the intentional diversion of waste streams from any portion of a wastewater treatment facility.

**Categorical Pretreatment Standards or Categorical Standard** shall mean any regulation containing pollutant discharge limitations 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.

**Categorical Industrial User** shall mean an Industrial User subject to a categorical pretreatment standard or categorical standard.

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

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

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

**Commercial and Industrial Discharge to the Public Sewer or "CIDPS"** shall mean the program under which a written permit is issued by the District to a Commercial or Industrial User that outlines the conditions under which its discharge to the POTW will be accepted.

**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.

**Commercial Use** shall mean premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.

**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.

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

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

**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 Commercial or Industrial Wastewater, owned or leased by the District.

**Domestic Wastewater** (or “Sanitary Sewage”) 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, essentially free of Industrial Wastes or toxic materials.

**Dwelling Unit/Equivalent Dwelling Unit** shall mean one or more rooms within a building for the use of one person or multiple people living as a family, and contains living, sleeping sanitary and kitchen facilities for the exclusive use of the unit occupants.

**Easement** shall mean an acquired legal 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”)** shall mean the U. S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the Administrator, Regional 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 District 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.

**Food Service Establishment (FSE)** shall mean any place that prepares, serves, or handles food for consumption by the public, its members or employees and which has any process or device that uses or produces fats, oil and grease or grease vapors, steam, fumes, smoke or odors that are required to be removed by a hood as defined in the Universal Plumbing Code.

**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 wastewater 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 District's MEPDES permit, which the POTW was not designed to treat and do not remove to a substantial degree.

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

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

**Interference** shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District's MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as 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** shall mean 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).

**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.

**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.

**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.

**Noncontact Cooling Water** shall mean water used for cooling such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**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, filter backwash,

sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of Wastewater (e.g., pH, temperature, total Suspended Solids, turbidity, color, BOD, COD, toxicity or odor).

**Pretreatment** shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by 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 II Section D of these 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 a “treatment works” as defined by Section 212 of the Act (33 USC § 1292) that is owned by the District, and includes any of 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 liquid and water-carried wastes from residences, commercial buildings, industrial facilities and institutions.

**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 of "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 Wastewater.

**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 mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Article II D. Section 3 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.

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

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

**Suspended Solids** shall mean solids that either float on the surface or are in suspension in water, Wastewater 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.

**User** shall mean a source of Indirect Discharge.

**Wastewater, Wastewater Discharge, Discharge, or Wastes** shall mean liquid and water-carried wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

## **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, Sewage, Commercial or 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. Required connection. Except as provided in subsection 5, upon receiving a request from the District to connect a building located in the territory of the District that is accessible to a sewer or drain of the District and that is intended for human habitation or occupancy or that has facilities for discharge or disposal of Wastewater or Commercial or Industrial Wastewater, the Owner of that building shall arrange to have the building connected through a Sanitary Sewer or drainage system to the District's accessible Sewer or drain in the most direct manner possible. If feasible, each building requiring connection must have its own separate connection. The connection must be completed within 90 days of the receipt by the Owner of the request, or within any extended period requested by the owner and agreed to by the Trustees. For purposes of this subsection, "Owner" includes the owners of record or any person against whom property taxes on the building are assessed.

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.

Section 5. Connections not required; existing buildings. An existing building that is already served by a Private Sewage Disposal System is not required to connect with a sewer or drain of the District as long as the Private Sewage Disposal System or drainage system functions in a satisfactory and sanitary manner and does not violate applicable law or ordinance or these Rules and Regulations applicable to the connection with a sewer or drain of the District or any applicable requirements of the state plumbing code, as determined by the municipal plumbing inspector or the municipal plumbing inspector's alternate, or, in the event that both are trustees

or employees of the sewer district, the Department of Health and Human Services, Division of Health Engineering.

Section 6. Permissive connection. A Person not otherwise required to connect a private sewer into a sewer of the District may connect to the District's sewer if that Person obtains a permit from the District and pays any charges required by these Rules and Regulations. The clerk of the District shall record the permit in the records of the District.

- A. If construction of the District's sewer is complete at the proposed point of entry of the private sewer and the District has established an entrance charge for entry at that location, the Person seeking to connect the private sewer at that location shall pay the entrance charge before the connection is undertaken.
- B. If the District's sewer is under construction and not completed at the point of the proposed entry of the private sewer, the Person seeking to connect the private sewer at that location is not required to pay an entrance charge until such time as the connection can be made.

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

Section 1. Where the Public Sewer is not accessible as defined by 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.

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. Permit required. 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 Connection 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 by Order 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 a Sewer Impact Fee for District Sewer Connections” 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 American Society for Testing and Materials (“ASTM”) and Water Environment Foundation (“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 at the Owner’s expense. Backflow prevention devices shall be used on any Building Sewer when there are water using plumbing fixtures connected in the basement. It shall be the building Owner’s responsibility to maintain backflow prevention.

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 connection of the Building Sewer to the Public Sewer shall conform to the requirements of State, Town and District building and plumbing statutes, rules, regulations, ordinances and codes, these Rules and Regulations and any appropriate specifications of ASTM and WEF Manual of Practice No. 9. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the District before installation.

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. 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 work shall be restored in a manner satisfactory to the Town and District.

Section 12. 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 13. 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 14. Private water meters or submeters 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 15. 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 16. 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 17. 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. Use of the Public Sewers**

Section 1. No person shall discharge or cause to be discharged unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to the Sanitary Sewer.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a Natural Outlet. Discharge of uncontaminated cooling water or unpolluted industrial process waters shall comply with State law, rules and regulations.

#### **Section 3. Prohibited Discharge Standards**

##### **(a) General Prohibitions**

No Person/User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

##### **(b) Specific Prohibitions**

No Person/User shall introduce or cause to be introduced into the POTW the following pollutants, 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:

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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).

(6) 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) degrees F (between 0 and 60 degrees C) or in amounts that will cause obstruction of the flow in the POTW resulting in Interference. Garbage disposal units are not permitted.

- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (9) Any Wastes or Wastewaters containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) Any Wastes or Wastewaters containing material identified as hazardous waste according to 40 CFR Part 261.
- (16) Any quantities of flow, concentrations, or both that constitute a "Slug" as defined in Article 1 of these Rules and Regulations
- (17) 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.

(18) 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, pharmaceuticals, chemotherapy wastes and/or dialysis wastes.

(19) 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.

(20) Any substance which will cause the District's wastewater treatment facilities to violate its MEPDES Permit and/or the receiving water quality standards.

(21) 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.

(22) Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, and battery acid.

(23) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, non-contact cooling water, outdoor showers unless fully enclosed with a sand trap, rinse stations, or otherwise unpolluted Wastewaters.

(24) Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW.

(25) 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.*

## E. Bypass

Severe property damage means substantial physical damage to property, damage to the District Facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.

- A. A User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These Bypasses are not subject to the provision of paragraphs (B) and (C) below.
  
- B. Bypass Notifications
  - 1.) If a User knows in advance of the need for a Bypass, it shall submit prior notice to the District, at least ten (10) days before the date of the Bypass, if possible.
  - 2.) A User shall submit oral notice to the District of an unanticipated Bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the Bypass. The duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
  - 3.) A Bypass is prohibited, and the District may take an enforcement action against a User for a Bypass, unless:
    - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (b) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (c) The User submitted notices as required under paragraph (B) of this above.
  - 4.) The District may approve an anticipated Bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph (3)(a) above.

### **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 Select Board 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.

The District may not construct any sewer extension unless it acquires from the York Select Board or its designee written assurance that any development, lot or unit intended to be served by the sewer extension is in conformity with any adopted Town plans and ordinances regulating land use; and the sewer extension is consistent with adopted Town plans and ordinances regulating land use. If the York Select Board fails to issue a response to a written request from the District for written assurance within 45 calendar days of receiving the request in writing, the written assurance is deemed granted.

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.

At the discretion of the trustees, sewer extension assessments may be financed by the District for a period up to 10 years.

#### **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 statutes, rules, regulations, ordinances, and codes; 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 on behalf of the District 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, damages (including, but not limited to, attorneys fees and costs) and actions for damages caused by, resulting from, arising out of or 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.

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.

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.

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.

Properties which have not financially participated in the privately constructed sewer extension that later connect to the Public Sewer extended to serve existing development after the privately constructed sewer extension has been installed and accepted by the District will be assessed as if an original participant for a period of 10 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 the 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.

## **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 Commercial or Industrial User that discharges Wastewater into the District's Facilities, 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 Facilities that will interfere with the operation of the POTW 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.

These Rules and Regulations shall apply to all Users of the York Sewer District. The Rules and Regulations authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

## **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:

- o Advise the User(s) of the impact of the discharge on the District Facilities, and
- o 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; this FOG Permit shall not be considered a CIPDS Permit. 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. A sample Fats, Oils, and Grease (FOG) Permit Application and Permit is attached as Appendix A.

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 District's 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 Maine State 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 per the manufacturer's recommendations 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.

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, the Federal Standards 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, Chapter I, Subchapter N Parts 4053 – 471

## **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 EPA, MEDEP, or by the District, whichever is most stringent. 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 Pretreatment 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, which the District may send periodically at its discretion. 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, an Industrial Wastewater Discharge permit may be issued to the 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 and obtain a FOG Permit from the District, delineating specific requirements for the Discharger. 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. The Business will be required to apply for and obtain an Industrial Wastewater Discharge Permit from the District, delineating specific requirements for the Discharger for all Discharges 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 apply for and obtain an Individual Wastewater Discharge Permit from 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 User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into 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.

## **7) Accidental Discharge/Slug Discharge Control Plans**

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

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the District of any accidental or Slug Discharge, as required by Article II, Section D of these Rules and Regulations; and
- (4) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### **b. Permits**

The basis for regulating discharges to the District Facilities under this Article will be through the appropriate permits between the Discharger and the District as outlined in Section 13 a 2) above. Permits will be issued and enforced by the District in coordination with the MDEP (when required) but are directly controlled by the District. These 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 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) 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 an Individual Wastewater Discharge Permit subject to terms and conditions required by the District, which will be part of User's Permit.

### a). Individual Wastewater Discharge Permit Application Contents

All Users required to obtain an individual wastewater discharge permit must submit a permit application. The District may require Users to submit all or some of the following information as part of a permit application:

- (1) Identifying Information.
  - (a) The name and address of the facility, including the name of the operator and owner.
  - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
  - (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (d) Type and amount of raw materials processed (average and maximum per day);
  - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges.

- (5) The location for monitoring all wastes covered by the permit.
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary.
- (7) Measurement of Pollutants.
  - (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated Pollutants in the Discharge from each regulated process.
  - (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.
  - (e) Sampling must be performed in accordance with appropriate sampling and analysis procedures.
- (8) Any other information as may be deemed necessary by the District to evaluate the permit application.

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

## **2) Permit Conditions**

Individual 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; and
- b) Local Limits. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following daily Maximum Concentrations:

2.19 mg/l aluminum  
mg/l ammonia

.008	mg/l arsenic
250	mg/l BOD <sub>5</sub>
.001	mg/l cadmium
.613	mg/l chromium
.318	mg/l copper
.110	mg/l cyanide
.0025	mg/l lead
6.8	ng/l mercury
	mg/l molybdenum
15.5	mg/l nitrogen (total)
.238	mg/l nickel
100	mg/l oil and/or grease
.055	mg/l selenium
.002	mg/l silver
	mg/l total phenols
250	mg/l total suspended solids
.173	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.

- (1) **Dilution.** No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.
- (2) The District may develop Best Management Practices (BMPs), imposed by Rules and Regulations or individual wastewater discharge permits, to implement limits and requirements of Article II.
  - c) The District may develop Best Management Practices (BMPs), in the Rules and Regulations or in individual wastewater discharger permits to implement Local Limits and the requirements of (b) above.
  - d) limits on average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;
  - e) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- f) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- g) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- h) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- i) requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- j) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- k) Compliance schedule;
- l) Requirements for submission of technical reports or discharge reports;
- m) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District, and affording District access thereto;
- n) 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;
- o) Requirements for notification of slug discharges; and
- p) Other conditions as deemed appropriate by the District to ensure compliance with this Article.

### **3) Permit Issuance Process**

- a) No significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit, except that a Significant Industrial User that has filed a timely application may continue to discharge for the time period specified therein.
- b) The District may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of these Rules and Regulations.
- c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in Article VIII of these Rules and

Regulations. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

- d) Existing Connections. Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of these Rules and Regulations and who wishes to continue such discharges in the future, shall within thirty (30) days after said date, apply for an individual wastewater discharge permit and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of these Rules and Regulations except in accordance with an individual wastewater discharge permit issued by the District.
- e) New Connections. Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.
- f) Permit Appeals. Aggrieved parties seeking judicial review of the individual wastewater discharge permit decision must do so by filing a complaint with the Maine Superior Court for York County within 30 days of issuance of the individual wastewater discharge permit.

#### **4) Permit Duration**

Individual 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 its 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.

#### **5) Permit Transfer**

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the District and the District approves the individual wastewater discharge permit transfer. The notice to the District must include written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and

- (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

## **6) 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 confidential by State law.

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.

## **7) Permit Modification**

The District may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the District's POTW, personnel, or receiving waters;
- (e) Violation of any terms or conditions of the individual wastewater discharge permit;

- (f) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the individual wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Paragraph 4 above.

## **8) Permit Revocation**

The District may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the District of changed conditions;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the District timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or these Rules and Regulations.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

## **9) Permit Reissuance**

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in

accordance with this Section 13 b. above, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge permit.

**c. Reporting Requirements.**

**1) Baseline Monitoring Reports**

- a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed in paragraph b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the District a report which contains the information listed in paragraph b) below. A New Source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantify of pollutants to be discharged.
- b) Users described above shall submit the information set forth below:

Identifying Information.

- 1) The name and address of the facility, including the name of the operator and owner.
- 2) A list of any environmental control permits held by or for the facility.
- 3) Description of operations.
- 4) Flow measurement.

Measurement of pollutants.

- 1) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
- 2) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- 3) Sampling and analysis shall be performed in accordance with Analytical Techniques in Section 13. c. 2) c) (7) below;

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

## 2) Compliance Tracking

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

### a) Self-Monitoring Reports

**Significant Industrial Users** are required to submit a self-monitoring report monthly to the District as designated in their Individual Wastewater Discharge 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 Individual Wastewater Discharge Permit and could result in enforcement action.

**Industrial Users** are required to submit a monthly or quarterly self-monitoring report, as designated in their Individual Wastewater Discharge 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 Individual Wastewater Discharge 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.

### **b) Compliance Evaluation Inspections**

The purpose of compliance evaluation inspections (CEI) is to ensure the proper operation of any pretreatment facilities specified in CIDPS Program 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 permitted facilities will receive a CEI at least annually.

### **c) 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:

(1) 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.

(2) 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).

(3) Any other effluent violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Superintendent 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).

(4) 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)(l)(vi)(B) to halt or prevent such a discharge.

### **3) Notice of Violation/Repeat Sampling and Reporting**

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

### **4) Notification of the Discharge of Hazardous Waste**

The District prohibits the discharge of hazardous waste to its POTW.

This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued thereunder, or any applicable Federal or State law.

### **5) Analytical Requirements**

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

### **6) Sample Collection**

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

i) Except as indicated below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional

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

ii) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

iii) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by 40 CFR 403.12 (e) and 403.12(h), the User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

iv) 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.

## **7) Inspection Summary Reports**

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

## **14. Reports of Changed Conditions**

Each User must notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least forty-five (45) days before the change.

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

## **15. 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.

## **16. Certification of Permit Applications and User Reports.**

The following certification statement is required to be signed and submitted by Users submitting Individual Wastewater Discharge Permit applications; Users submitting baseline monitoring reports; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines; and Users submitting periodic compliance reports. The following certification statement must be signed by an Authorized Representative:

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

## **17. 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 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. Submeter Program.**

### **a. 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 submeters. Under the District's program the following two types of submeters can be installed:

1. Deductive Submeter in which your Wastewater bill is reduced by usage that flows through this submeter and does not discharge to the Public Sewer. This submeter is normally associated with irrigation of lawns and gardens, cooling towers on buildings and pool filling. By installing this submeter, 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 submeter for most residential applications. Meters of this type must record in cubic feet. The District has a separate Deductive Submeter guidance document to refer to prior to installation.
2. Sewer/Wastewater Flow Submeter in which your Wastewater bill is calculated on usage

that flows through this submeter and discharges into the Public Sewer. This submeter 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 submeter, your wastewater bill will be calculated by the volume that discharges through this submeter. This is a submeter that may be used in some commercial/industrial applications. Sewer/Wastewater Flow submeters will be required to receive an annual calibration by a certified technician with documentation of such submitted to the District.

**b. Use of Submeters**

- (a) The Deductive and Sewer/Wastewater Flow submeter program allows York Sewer District Dischargers to use data from private water submeters in the calculation of their wastewater volume charge (WWVC).
- (b) The York Sewer District will assist in determining whether the applicant needs a Deductive Submeter or Sewer/Wastewater Flow Submeter application.
- (c) Each Deductive submeter 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 submeters. The private submeters belong to the property owner.
- (e) Since the submeter will be private, the applicant will be required to maintain it in good operating condition per manufacturer's specifications.
- (f) Sewer/Wastewater Flow submeters will be required to undergo an annual calibration by a certified technician with that documentation of such submitted to the District.

**c. Deductive Submeter**

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

#### **d. Sewer/Wastewater Flow Sub-Meter**

1. 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 submeter, your wastewater bill will be calculated by the volume that discharges through this submeter only.
3. The use of such a submeter will be investigated and coordinated with the District during the application process.
4. Sewer/Wastewater Flow submeters will be required to receive an annual calibration by a certified technician with documentation of such calibration submitted to the District.
5. Sewer Wastewater Flow submeters shall be provided with telemetry with constant monitoring connected to the District. This requirement will be reviewed as part of the application process.

#### **e. Application and Installation of Submeter**

The following steps are required for the activation of any submeter:

1. Before a submeter can be installed the District must review, approve and authorize any submeter application/installation.
2. Applicant will be responsible for any and all costs associated with the submeter purchase and installation.
3. Applicant shall complete the approved submeter installation and notify the District when ready for inspection.
4. Applicant is responsible for submitting deductive submeter readings in the form of a photo to the District by November 30<sup>th</sup> of each year in order to utilize the data in their WWVC. If this photo is not received by November 30<sup>th</sup> no deduction will be applied to the WWVC.

#### **f. Procedure for Handling Abatement Requests**

1. **Customer Complaint:**
  - If a customer reports high water usage that they believe is due to issues like a burst pipe, they will be informed about the procedures followed for such cases.

2. **Abatement Request Report:**
  - The customer is required to complete an Abatement Request Report form for review by the Superintendent. This allows the Superintendent to investigate and gather pertinent information.
3. **Investigation:**
  - The Superintendent will conduct a thorough investigation and submit his/her findings to the board of trustees for review.
  - The amount of credit can be full, partial, or not at all. If the water did find its way to the sewer system, no refund is issued.
4. **Notification:**
  - After the investigation, and subsequent ruling by the Board of Trustees, the customer will be notified of the outcome through mail, email, or a phone call. Adjustments will be made to their account accordingly.
5. **Documentation:**
  - Notes are recorded on the customer's account detailing the reason for the abatement request and the trustees ruling.
6. **Allowance Frequency:**
  - Abatements can only be given to an account once every five years.

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

### **A. Administration**

The Superintendent and/or the Superintendent's designee, as designated in writing, shall administer these Rules and Regulations, shall issue permits, licenses and approvals hereunder, and shall enforce these Rules and Regulations.

### **B. 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 one thousand dollars (\$1,000) for each violation, with each day of a continuing violation constituting a new violation, except as otherwise provided in this Section or by State or federal law, rule or regulation. 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 sustained by 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, and shall be approved by the Trustees.

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. Injury to Property of District.** A person may not place, discharge or leave any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of the District contrary to these Rules and Regulations or knowingly injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the District.

A person who violates this subsection is liable to pay twice the amount of the damages to the District to be recovered in any proper action and is subject to a civil penalty not to exceed \$2,500 for each violation, payable to the District. The civil penalty is recoverable in a civil action.

**3. Required connection.** A person who receives a notice in accordance with Article II. A. Section 4 of these Rules and Regulations to connect to a building and fails to connect to the building in accordance with that section is subject to a civil penalty not to exceed \$2,500, payable to the District. This penalty is recoverable in a civil action.

**4. CIDPS Program Permits, Violation of Pretreatment Standard or Requirement.** 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 Program Permits, which include FOG permits and Industrial Wastewater Discharge permits issued by the District. The District may seek in a civil action injunctive relief from a Commercial or Industrial User that violates a Pretreatment Standard or Requirement, administered by the District. The District may seek a civil penalty of up to \$1,000 per day for each violation by a Commercial or Industrial User of a Pretreatment Standard or Requirement.

**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 Program 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	Maximum 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 Program 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 Program 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, 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, or a CIPDES Program Permit is subject to having its CIDPS Program Permit terminated in accordance with the procedures set forth in Article VI.

- 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 Program 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 Program 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.

**5. Protection from Damage.** No person shall intentionally, knowingly or recklessly break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment that is part of the District Facilities. Any person(s) violating this provision may be subject to

arrest, fine and /or imprisonment for the crime of criminal mischief as set forth in Title 17-A M.R.S. §806.

**6. Nonexclusive remedies.** The remedies provided for in these Rules and Regulations are not exclusive. The District may take any, all, or any combination of these actions against a non-compliant User. Enforcement of pretreatment violations generally will be in accordance with the above provisions. However, the District may pursue other action against the any User without limitation, including *ex parte* temporary judicial relief to prevent a violation of these Rules and Regulations, when the circumstances warrant. Further, the District is empowered to bring more than one enforcement action at the same time against any non-compliant User.

**a. 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. 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 served by the Public Sewer, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quality and quantity of sewage discharged and the manner of discharge, and to enforce State law, rules and regulations and these Rules and Regulations. 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 X. 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 XI. 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 XII. Effective Date.**

These Rules and Regulations as herein revised shall be in full force and effect immediately upon their adoption as provided by law. These revised Rules and Regulations are hereby adopted by the York Sewer District, County of York, State of Maine on the 14th day of September 2022, by the following vote:

AYES 5  
NAYS 0

By:

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

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

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

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

\_\_\_\_\_, Trustee  
ROBERT KNOWLES

- REVISED** February 2, 1976
- REVISED** July 12, 2018
- REVISED** June 13, 2019
- REVISED** August 23, 2022
- REVISED** September 4, 2024