

Town of

Tyngsborough, MA

TYNGSBOROUGH SEWER COMMISSION

First Amended and Restated Sewer Use Regulations

February 13, 2003

Amended: October 27, 2016

FIRST AMENDED AND RESTATED SEWER USE REGULATIONS

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REGULATIONS GOVERNING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE TOWN OF TYNGSBOROUGH, MIDDLESEX COUNTY, COMMONWEALTH OF MASSACHUSETTS. THESE REGULATIONS ARE BEING PREPARED IN CONJUNCTION WITH THE TYNGSBOROUGH SEWER COMMISSION SEWER ASSESSMENTS AND USER CHARGES SYTSTEM AND THE TYNGSBOROUGH SEWER COMMISSION TECHNICAL SPECIFICATIONS AND ARE INTENDED TO REPLACE THE FEBRUARY 4, 1999 SEWER REGULATIONS.

Be it ordained and enacted by the Tyngsborough Sewer Commission of the Town of Tyngsborough, Commonwealth of Massachusetts, as follows:

ARTICLE I DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these regulations shall be as follows:

- 1.1 “Applicant” or “Owner” shall mean any person requesting approval to discharge industrial Wastes or Sewage into the Sewage Works of the Town of Tyngsborough.
- 1.2 “Approval” shall mean written approval by the Commission.
- 1.3 “Available” A public sewer shall be considered available when the property upon which a building is situated abuts a street, alley, easement or right of way in which a Public Sewer is located. If the property line of the subject parcel is more than one hundred (100) feet (30.5 meters) from the nearest Public Sewer, application may be made in writing to the Board to declare the Public Sewer “Not Available”.
- 1.4 “Average Daily Flow” shall mean the total annual flow as measured at Metering Stations plus agreed-to non-metered flow to Tyngsborough’s sewerage system divided by the number of days in the year.
- 1.5 “BOD” (denoting Biochemical Oxygen Demand”) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.
- 1.6 “Building Drain” shall mean that part of the lowest piping of a drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, ending ten (10) feet outside the inner face of the building wall.
- 1.7 “Building Inspector” shall mean the appointed Building Inspector of the Town of Tyngsborough.
- 1.8 “Building Sewer” shall mean the extension from the building to the public sewer or other place of disposal, also called house connection, which is generally a 6-inch diameter pipe.

- 1.9 "Chelmsford" shall mean the Town of Chelmsford, an incorporated township of the Commonwealth of Massachusetts.
- 1.10 "Chlorine Demand" shall mean the amount of chlorine expressed in mg/l required to be added to water, sewage or other liquid to achieve a combined chlorine residual after fifteen (15) minutes contact of one (1) mg/l.
- 1.11 "City" shall refer to the City of Lowell, a municipal corporation in the Commonwealth of Massachusetts.
- 1.12 "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water. While the City of Lowell has some sections with combined sewers, the Tyngsborough sewer system is not and shall not be a combined system.
- 1.13 "Commercial/Industrial" use shall mean all improved properties for "Business Uses" as defined in Section 2.11.44 and "Industrial Uses" as defined in Section 2.11.45 of the Town of Tyngsborough Zoning By-law.
- 1.14 "Commission" shall mean the elected or appointed Tyngsborough Sewer Commission of the Town of Tyngsborough.
- 1.15 "Company" shall mean any industrial or commercial establishment with a liquid waste discharge.
- 1.16 "Contractor" shall mean an individual or entity performing work related to the sewer system of the Town of Tyngsborough.
- 1.17 "Cooling Water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other system of heat transfer.
- 1.18 "Contact Cooling Water" shall mean water used in a process for cooling purposes that has come in direct contact with a raw material, intermediate product, waste product, or finished product.

- 1.19 “Development” shall mean either; (1) the construction of two (2) or more single-family dwellings or (2) any multi-family dwelling: multi-family meaning a building containing two (2) or more families, or any commercial or industrial building or any combination, thereof.
- 1.20 “Drainlayer” shall mean a person or corporation who has an active license to install sewer connections in the Town.
- 1.21 “Dracut” shall mean the Town of Dracut, an incorporated township of the Commonwealth of Massachusetts.
- 1.22 “Easement” shall mean an acquired legal right for the specific use of land owned by others.
- 1.23 “Equalization of Waste Flows” shall mean a process for averaging of variations in flow and composition of sewage from particular sources by a holding tank, septic tank or equalization basin or other means to provide a flow of reasonably uniform volume and composition prior to discharge into a Public Sewer.
- 1.24 “Equivalent Dwelling Unit” shall be equal to a single-family residence as described in MGL Ch. 83 Section 15.
- 1.25 “Excessive” shall mean amounts or concentrations of a constituent of sewage, which, in the judgment of the Executive Director, will cause damage to any sewage works, which will be harmful to a sewage treatment process, which cannot be removed in the sewage treatment plant to the degree required to meet the limits set forth in the plant’s discharge permit, and/or which can otherwise endanger life, limb, or public property, and/or which can constitute a nuisance.
- 1.26 “Executive Director” is the Executive Director of the Lowell Regional Wastewater Utility, or his duly authorized representative.
- 1.27 “Facility” is any real property (including any abutting real property) and any buildings thereon, which is served, is proposed to be served, or could in the future be served, by a system, where:
- (a) legal title is held or controlled by a single owner; or

(b) the local approving authority or the Massachusetts Department of Environmental Protection otherwise determines such real property is in single ownership or control pursuant to 310 CMR 15.011 (aggregation).

1.28 "Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated, meets Massachusetts state and local standards for total dissolved and suspended solids, and the wastewater does not interfere with the collection and final treatment system.

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

1.30 "Grease, Oil and Sand Interceptors" shall mean devices used to prevent grease, oil and sand from entering the waste stream.

1.31 "Industrial Cost Recovery" shall mean the recovery of that portion of a federal grant allocable to the collection, transmission and treatment of discharges from industrial users (EPA definition).

1.32 "Industrial User" shall mean any non-governmental user of Tyngsborough's sewerage works, which contributes industrial wastes, identified in the Standard Industrial Classification Manual, 1972 Edition, Office of Management and Budget, as amended and supplemented, under the following divisions (EPA definition):

- Division A. Agricultural, Forestry and Fishing
- Division B. Mining
- Division D. Manufacturing
- Division E. Transportation, Communications, Electric, Gas and Sanitary Services
- Division I. Services

1.33 "Industrial Wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic (sanitary) wastes.

- 1.34 “Infiltration” shall mean water other than wastewater that enters a sewer (including building drains and fountain drains) from ground through means which include, but are not limited to defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow.
- 1.35 “Infiltration and Inflow” (I/I) shall mean the quantity of water from both infiltration and inflow.
- 1.36 “Inflow” shall mean water other than wastewater that enters a sewer (including building sewers) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, sump pumps, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
- 1.37 “In-Law Apartment” shall be a separate household area of a single-family home as defined in the Tyngsborough Zoning Regulations under “Temporary Independent Living Quarters” and as determined by the Tyngsborough Building Commissioner.
- 1.38 “Lowell” shall mean the City of Lowell, County of Middlesex, Commonwealth of Massachusetts.
- 1.39 “Maximum Daily Flow” shall mean the maximum gallons recorded at Metering Stations plus agreed-to allowances for non-metered flow during a 24-hour period during any calendar day.
- 1.40 “May” is permissive (see “Shall”, 1.65).
- 1.41 “Milligrams per Liter” shall mean the unit of the concentration of water or Sewage constituent. It is 0.001 gram of the constituent in one (1) liter of water.
- 1.42 “Multi-Family Dwelling” shall be a dwelling attached or detached designed for the residence of two or more families. This shall include, but not be limited to, duplexes (2 units), triplexes (3 units), condominiums, and apartments.

- 1.43 "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 1.44 "Non-contact Cooling Water" is cooling water which does not come in contact with any raw material, intermediate product, waste product, or finished product.
- 1.45 "Oil and Grease" is any material (animal, vegetable, or hydrocarbon) which is extractable from an acidified sample of a waste by freon or the designated solvent and as determined by the appropriate standard procedure.
- 1.46 "Owner" is a person owning a facility discharging to the sewerage system.
- 1.47 "Peak Rate of Flow" shall mean the maximum rate of flow recorded at Metering Stations plus agreed to non-metered flow to Tyngsborough's sewerage system during any calendar year.
- 1.48 "Person" shall mean any individual(s), firm, company, association, society, corporation, or group, or any political subdivision of the Commonwealth of Massachusetts.
- 1.49 "pH" shall mean the negative logarithm of the hydrogen ion concentration in a substance. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .
- 1.50 "Pollutant" is any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt, or industrial, municipal or agricultural waste discharged into water.
- 1.51 "Pretreatment or treatment" is the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other than the above means, except as prohibited by 40 CFR Section 403.6 (d).

- 1.52 "Pretreatment requirements" are any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.
- 1.53 "Private Sewage Disposal System" (also On-site Disposal System) shall mean a privately owned and operated sewerage disposal system covered by the State's Title V Regulations (310 CMR 15.0).
- 1.54 "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
- 1.55 "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- 1.56 "POTW" (denoting Publicly Owned Treatment Works) shall mean the treatment works owned by the City of Lowell, as defined in Section 212 of the Act (33 USC 1292). This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this agreement, POTW shall also include any sewers that convey wastewater to the POTW from persons outside the city of Lowell who are, by direct or indirect agreement with the city of Lowell, users of the POTW.
- 1.57 "POTW treatment plant" shall mean that portion of the POTW designed to provide treatment to wastewater.
- 1.58 "Receiving Waters" shall mean the body of water to which the sewage treatment plant discharges its effluent.

- 1.59 "Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage works to maintain the capacity and performance for which said works were designed and constructed.
- 1.60 "Residential Unit" shall mean each single family dwelling as being one unit; or each dwelling unit in a multiple family dwelling as being one unit. For the purpose of this section, multiple family dwellings shall be deemed to include, but not be limited to, more than single family dwellings; apartment houses, apartment complexes, townhouses, condominiums, motels, hotels or as determined by the Commission.
- 1.61 "Sanitary Sewage" shall mean sewage discharging from sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, small laundries, kitchens, cafeterias and floor drains essentially free of industrial wastes or toxic materials.
- 1.62 "Sanitary Sewer" shall mean a conduit that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- 1.63 "Septage" shall mean the wastes from holding tanks such as chemical toilets, campers, or trailers; and wastes from septic tanks and cesspools.
- 1.64 "Sewage" is the used water of a community. The preferred term is "wastewater", 1.78.
- 1.65 "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating Sewage.
- 1.66 "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of Sewage.
- 1.67 "Sewer" shall mean a pipe or conduit that carries wastewater.
- 1.68 "Sewerage System" shall mean a system of manholes, pipes, conduits, pumps, and other structures designed to transport wastewater.

- 1.69 "Shall" is mandatory (see "May", 1.37).
- 1.70 "Single Family Residence" shall mean a detached dwelling unit designed as the residence of one family for year round or seasonal use.
- 1.71 "Sludge" shall mean solid and semi-solid residuals and concentrated contaminants removed by the treatment of wastewater.
- 1.72 "Slug" shall mean any discharge of water or wastewater which the concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- 1.73 "Storm Drain" (sometimes termed "storm sewer") shall mean a conduit for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.
- 1.74 "Stormwater" shall mean water which flows across a surface or through a drainage system. The source of such water is from rainfall or from melting snow and ice.
- 1.75 "Superintendent" or the Operations Supervisor, or the designee appointed by the Tyngsborough Sewer Commission shall mean the Superintendent of the Sewer Department of the Town of Tyngsborough or his authorized deputy, agent, or representative.
- 1.76 "Suspended Solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- 1.77 "Title V" shall mean 310 CMR 15.00, The State Environmental Code Title V: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

- 1.78 "Town" shall mean the Town of Tyngsborough, Massachusetts or any duly authorized officer, agent or representative of the Town of Tyngsborough.
- 1.79 "Treatment Facilities" shall mean all facilities for conveying, treating, and disposing of sanitary sewage and/or industrial wastes within the City of Lowell.
- 1.80 "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sewers and wastewater treatment facilities provided.
- 1.81 "User Charge" shall mean a charge levied on a user of sewage works for the cost of operation and maintenance, including replacement costs, of such works (EPA definition).
- 1.82 "Wastes" shall mean the sanitary sewage, industrial wastes and infiltration from Tyngsborough's sewerage system(s).
- 1.83 "Wastewater" shall mean the used water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater infiltration, surface water, and stormwater that may be present.
- 1.84 "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent.
- 1.85 "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge, sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".
- 1.86 "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II – ADMINISTRATION

- 2.1 The Commission shall have and exercise all powers vested in the Town by the Massachusetts General Laws or special acts pertaining to the sewer systems. The Commission may appoint such officers, agents and assistants as shall be necessary to accomplish the administration of the sewerage systems. As designated by the Commission, the Superintendent shall carry out the day-to-day operation and maintenance of the sanitary sewer system, in accordance with all applicable state and/or federal regulations, laws, etc.
- 2.2 The Commission, with the assistance of the Superintendent, shall establish, amend and promulgate local limits and regulations consistent with Lowell, Chelmsford and Dracut regulations and guidelines for the Town's sewer connections to the Lowell, Chelmsford and Dracut sewerage systems.
- 2.3 The operation and maintenance of the public sewers shall be performed by the Superintendent in accordance with the rules and regulations of the Town of Tyngsborough and the POTW including, but not limited to, the requirements of the Lowell City Code, Chapter 18 and regulations and amendments thereof.

ARTICLE III USE OF PUBLIC SEWERS REQUIRED

- 3.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Tyngsborough, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.
- 3.2 It shall be unlawful to discharge to any natural outlet within the Town of Tyngsborough, or in any area under the jurisdiction of said Town, any wastewater or other polluted water, except

where suitable treatment has been provided in accordance with subsequent provisions of these regulations.

- 3.3 Except as hereinafter provided, it shall be unlawful for property owners to construct or repair any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where a public sewer is within one hundred (100) feet of the property line and where permission to enter such sewer can be obtained from the Commission.
- 3.4 The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer of the Town, are hereby required at their expense to install suitable toilet and plumbing facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these regulations within one year after date of official notice that said public sewer system is "approved for use", provided that the public sewer is within one hundred (100) feet of the property line; or within ninety (90) days after date of receipt of official notice from the Board of Health of the Town of Tyngsborough acting under direct compliance with the provisions of Title V of the "State Environmental Code for the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage" or regulations relative thereto. Said connections shall be made without exception, unless for reasons as determined by the Commission. Connections to private sewers shall be similarly required when permission to enter such private sewer can be obtained by the owner of the private sewer.
- 3.5 A property owner required to connect to the public sewer hereunder may make written application to the Commission for an extension to the time limits imposed herein if there exists a special hardship. Special hardships may include extraordinary financial hardships or

circumstances unique to the property making connection to the public sewer impossible or extraordinarily burdensome. The granting of an extension hereunder is within the discretion of the Commission.

ARTICLE IV PRIVATE SEWAGE DISPOSAL

- 4.1 Where a public sewer is not available under the provisions of Section 3.4, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of either or both the Board of Health of the Town of Tyngsborough and the Massachusetts Department of Environmental Protection pursuant to Title V.

ARTICLE V BUILDING SEWERS AND INSTALLATION

- 5.1 No person or persons shall uncover (excavate), connect or cause to be connected to, or make any connections to, or make any opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the public sewer or a substantial change in the volume or character of pollutants that are being discharged into the public sewer shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection. A permit must also be obtained for any repair work to existing building sewers.
- 5.2 There shall be two (2) classes of building sewer installation permits: (a) for residential and commercial service whose sewage flow is less than 25,000 gallons per day, and (b) for service to establishments producing industrial waste flow or any flow greater than 25,000 gallons per day. In either case, the owner(s) or his agent shall make a permit application on a special form furnished by the Town. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit

when they are found, on examination and test by the Superintendent, to meet all requirements of these regulations.

- 5.7 The size, slope, alignment, materials of construction of the building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the Technical Specifications, and the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 7 " Operation and Maintenance of Wastewater Collection Systems" shall apply.
- 5.8 Mainline sewer extensions shall be authorized by Town Meeting Vote or by the Commission and shall be installed only under the supervision of the Commission, the Superintendent, or the Agent(s) of the Commission.
- 5.9 Whenever possible, the building sewer shall be installed 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, the wastewater carried by such building drain shall be pumped by an approved means and discharged to the building sewer. Shop drawings of proposed pumping equipment must be submitted and approved by the Commission and the Superintendent before any construction activities and connections are made to the public sewer.
- 5.10 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, 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 public sewer. Any persons found discharging any material from said sources shall be subject to penalties as set forth in Article XII of these Regulations.

- 5.10.1 The Superintendent or his representative reserves the right to inspect any property to confirm that there are none of the aforementioned unauthorized connections to the public sewer.
- 5.11 The connection of the building sewer to the public sewer shall conform to the requirements of the Tyngsborough Sewer Commission Service Connection Specifications and the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 7. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Commission and the Superintendent before installation.
- 5.12 Any person(s) found discharging non-contact cooling waters to the public sewer shall be subject to penalties as set forth in Article XII of these Regulations.
- 5.13 The applicant for the building sewer permit shall notify the Superintendent when the sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative(s), and no backfilling is allowed until all appropriate inspections are made. If testing and connection are completed without the supervision of the Superintendent or his representative(s), the pipe shall be exposed for inspection and retesting.
- 5.14 New sewer mains and connections shall, upon the direction of the Superintendent, be television inspected from the building drain located in the building to the existing public sewer following connection to the public sewer and trench backfill to ensure that the building sewer has been installed in accordance with the aforementioned standards. Television inspection shall be completed in accordance with the current edition of the NASSCO (National Association of Sewer Service Companies) Specifications. A copy of the television inspection shall be

delivered to the Commission for review. If the building sewer was not installed correctly it shall be excavated and re-installed. The television inspection of the individual building connections may be waived at the discretion of the Superintendent.

5.15 After approval of the Application for a Residential or Commercial Building Sewer Installation Permit, the Drainlayer shall notify the Superintendent a minimum 24 hours in advance of starting work. The connection and testing shall be made under the supervision of the Superintendent.

5.16 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

5.16.1 Any person, who as part of the installation of a sewer connection, contemplates having to excavate or otherwise disturb or occupy the layout of a public roadway, sidewalk, or easement, shall, prior to the commencement of the work, obtain the appropriate permit from the agency having jurisdiction over such public area. A performance bond covering the cost of restoring said public area to its prior condition, shall be required, in accordance with state or town regulations, before a permit is granted. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

5.16.2 The contractor shall conform to all Occupational Safety and Health Administration (OSHA) requirements. Failure to comply with any and all State, Federal and OSHA safety requirements may result in immediate loss of Drainlayer's License.

5.17 Any existing residential dwelling that fronts a public sewer and will require a building connection length greater than 300 feet may make written application to the Commission for an extension to the time limits imposed by Article III, Section 3.4 of these Regulations. The granting of an extension under this Section is within the discretion of the Commission. Any

extension granted solely under this Section shall terminate upon the earliest occurrence of the following:

- 1) Issuance of a building permit for the property that will cause the number of sewer units for that property to increase;
- 2) The sale of the property for value;
- 3) Failure of the On-Site Sewage Disposal System.

5.18 A metering/sampling manhole shall be provided as part of each Industrial/Commercial project at the discretion of the Superintendent. The manhole shall have a cast iron frame and cover brought to grade located just within the boundary of the owner's property. With such construction, the right of entry shall be conferred upon the Superintendent to inspect the quantity and quality of flow. The manhole shall conform to the specifications of the Commission.

5.19 The Superintendent shall be notified forty-eight (48) hours or two (2) business days in advance for inspection of the building sewer and prior to connection to the public sewer. Final connection and testing shall be under the supervision of the Superintendent. The pipe shall not be backfilled until all inspections are made and the Superintendent approves the work. In all cases, except as specifically directed by the Superintendent, the pipe shall be exposed for inspection.

5.20 Drainlayers must obtain a license from the Commission before performing any work. Under no circumstance shall a subcontractor be allowed to work under the primary drainlayer's license. Licenses shall be issued for one calendar year, commencing January 1st of any given year. A \$125.00 fee will be collected with the initial completed license application. Any drainlayer who will be installing a forcemain needs to be certified for installing E-1 pumps or any other manufacturer that requires a certification for an ejector pump. The applicant will supervise and

be responsible for all work performed under the license. Any blasting required shall be done by a person licensed to perform blasting in the Commonwealth, and only after receiving a blasting permit from the Tyngsborough Fire Department. The applicant shall submit Certificates of Insurance in the sum of \$100,000 to cover General Liability, including bodily injury, property damage, and \$300,000 for XCU coverage for explosion, collapse, or underground damage. A bond, cash deposit or certified check for \$5,000.00 and three letters of recommendation must also be submitted. No insurance policy may be canceled without thirty (30) days prior written notice by registered mail to the Commission and the Fire Department. Such insurance shall indemnify the Town against all claims, liabilities, or actions for damages incurred in, or in any way connected with, the performance of work by a drainlayer and for, or by reason of, any acts of omission of said drainlayer in the performance of this work. If insurance or bond is canceled or expires the drainlayer's license shall become void.

5.21 All sewer work affecting public facilities and infrastructure shall be bonded to the cost of the sewer work. Normally, such bonding will be part of the project bonding as specified in the Site Plan and Subdivision approval process as performed by the Tyngsborough Planning Board. In projects involving only sewer connections, bonding amounts will be established by the Commission.

ARTICLE VI SEWER LINE CONSTRUCTION AND MAINTENANCE

6.1 The cost or portion of the cost of the construction hereafter of any sewer or extension of any existing mainline sewer or the doing of any other work in connection therewith, except building sewers, shall be assessed upon the estates especially benefited thereby, under and subject to the provisions of Chapters 80 and 83 of the Massachusetts General Laws.

- 6.2 The cost of construction of the building sewer connection from the public sewer to the dwelling unit or estate benefited shall generally be paid for directly by the persons or owners of the estates benefited.
- 6.3 The maintenance and cleaning of building sewer shall be the responsibility of the owner of the dwelling unit or estate benefited by such building sewer.
- 6.4 All building sewer installation, repair or maintenance work shall be performed by a drainlayer who possesses a valid Drainlayer's License issued by the Commission. A drainlayer's bond, using the Town's standard bond form, as then in effect, must be submitted to the Superintendent in advance of installation, repair or maintenance.
- 6.5 All gravity sewers, force mains, pumping stations and appurtenant work shall be completed in accordance with the most recent version of the Technical Specifications at the time such construction commences.

ARTICLE VII USE OF THE PUBLIC SEWERS

- 7.1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, and runoff, subsurface drainage, or cooling water to any sewer.
- 7.2 Stormwater and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as storm sewers or to a natural outlet approved by the Superintendent or Director of Public Works and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent and Director of Public Works to a storm sewer, or natural outlet.
- 7.3 Unless otherwise stated herein, the provisions of the Lowell City Code, Chapter 18 shall govern all discharges to the sanitary sewer system.
- 7.4 No person(s) shall discharge or cause to be discharged any of the following described waters or

wastes to any public sewers.

- 7.4.1 Any liquids, solids or gasses which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substance which is a fire hazard or a hazard to the system.
- 7.4.2 Any noxious, malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or are sufficient to prevent entry into the sewers for maintenance or repair, inspection, sampling, or any similar activity.
- 7.4.3 Any water or wastes having a pH lower than 6.0, higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities.
- 7.4.4 Any wastes containing a toxic or poisonous substance in sufficient quantity, either singularly or by interactions with other wastes, to injure or interfere with the sewerage system, and/or treatment facilities to constitute a hazard to humans or animals or to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment works.
- 7.4.5 Solid or viscous substances in quantities or of such size capable of causing obstruction

to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited, to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

7.4.6 Septage.

7.4.7 Sludge(s) from industrial waste pretreatment facilities.

7.4.8 Any wastewater with temperatures in the amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C (104° F).

7.4.9 Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall any substance discharged to the POTW cause the POTW to violate its NPDES permit and/or state disposal system permit or the receiving water quality standards.

7.4.10 Petroleum Oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

7.4.11 Any wastewater causing the treatment plant's effluent to fail a toxicity test.

7.5 Except where expressly authorized to do so by an applicable federal categorical pretreatment standard, no user, whether subjugated to categorical requirements or not, shall ever increase the use of process water or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical standard. The Executive Director may impose mass limitations on users where the imposition of mass limitations is appropriate.

7.6 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes 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 his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, cost surcharges associated with the wastes and other pertinent factors. The substances prohibited are:

- 7.6.1 Any liquid or vapor having a temperature higher than one hundred four(104) °F (40°C).
- 7.6.2 Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) °F (0° and 65°C).
- 7.6.3 Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Commission and the Executive Director.
- 7.6.4 Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- 7.6.5 Any wastes containing caustic alkalinity, calculated as CaCO₃ (calcium carbonate) in excess of 75 mg/l, or in volume which may be excessive.
- 7.6.6 Any waters or wastes containing iron, chromium, copper, zinc, antimony, arsenic,

barium, beryllium, boron, cadmium, lead, manganese, mercury, nickel, selenium, silver, tin, chlorides, chlorates, mineral acids and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Executive Director for such materials.

- 7.6.7 Waters or wastes containing the concentrations of the materials listed pursuant to Lowell City Code, Chapter 18.
- 7.6.8 Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) °F or sixty (60) °C using the test methods specified in 40 CFR 261.21.
- 7.6.9 Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- 7.6.10 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. (Code 1971, 26-28; Ord. No. 1-1987, 5, 1-27-87) 1997 IMD.
- 7.6.11 Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Executive Director as necessary, after treatment of the composite sewage to meet the requirements of the City of Lowell, Town of Chelmsford, Town of Dracut, State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.
- 7.6.12 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Executive Director in compliance with applicable State or Federal regulations.

- 7.6.13 Hazardous waste or wastewater resulting from treatment of hazardous or toxic wastes, as designated under state and federal law, and discharged to the sewerage system by dedicated pipe, truck, or rail.
- 7.6.14 Filter backwash from industrial pretreatment processes or wastewater treatment plants unless specifically authorized by the Executive Director, in accordance with Lowell City Code, Chapter 18.
- 7.6.15 Any trucked or hauled pollutants except at discharge points designated by the Executive Director in a permit issued by the Executive Director for the discharge.
- 7.6.16 Plastics, except those materials which have undergone complete reactions and whose size does not exceed 2.5 inches in its largest dimension.
- 7.6.17 Material which exert or cause:
- 7.6.17.1 Any concentration of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate and calcium chloride) that exceeds 500 parts per million or 500 mg/L.
 - 7.6.17.2 Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 7.6.17.3 Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - 7.6.17.4 Unusual volume of flow or concentration of wastes constituting a "slug" as defined herein.
 - 7.6.17.5 Concentrations of BOD (biochemical oxygen demand) not to exceed 500 parts per million or 500mg/L.
- 7.6.18 Waters or wastes 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 wastewater treatment works effluent cannot meet the requirements of other state and/or federal agencies having jurisdiction over discharge to the receiving waters.

7.7 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 7.6, and which in the judgment of the Executive Director, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Executive Director may:

7.7.1 Reject the wastes.

7.7.2 Require pretreatment to an acceptable condition for discharge to the public sewers.

7.7.3 Require control over the quantities and rates of discharge, and/or

7.7.4 Require payment to cover added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 7.15.

7.8 If the Executive Director permits the 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 Executive Director and subject to the requirements of all applicable codes, regulations and laws. Said design shall be prepared by a qualified and competent Professional Engineer registered in the Commonwealth of Massachusetts.

7.9 Under no circumstance shall the decision of the Executive Director exempt a user from a federally mandated prohibition, or the surcharge of a user for violations of Federal prohibitions. (Code 1971, 26-29) 1997 IMD.

7.10 Grease, oil, and sand interceptors shall be provided and maintained for continuously efficient operation by the Owner when, in the opinion of the Superintendent, they are necessary for the

proper handling of liquid wastes containing grease in excessive amounts, as specified in Section 7.6.2, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Executive Director, and shall be located outside the building as to be readily and easily accessible for cleaning and inspection. Each restaurant must have an approved grease trap. Each gasoline station must have an approved gasoline trap. Each car wash must have an approved sand trap. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and handling of the collected materials must be performed by currently licensed waste disposal firms.

7.10.1 Grease interceptors shall be installed in accordance with the Massachusetts State Plumbing Regulations, Massachusetts State Environmental Code, Title V, 310 CMR 15, and the Rules and Regulations of the Tyngsborough Board of Health, unless otherwise stated herein.

7.10.2 All interceptors shall be installed on the exterior of the building and shall be located as to be readily and easily accessible for cleaning and inspection.

7.10.3 Installed grease interceptors shall have a minimum capacity of 1,000 gallons and have a grease retention capacity of not less than two (2) pounds for each gallon per minute of flow. Flow rates from the State Environmental Code, Title V, 310 CMR 15, shall be used to determine the size of a grease interceptor. Other alternative and innovative approved methods of grease removal and disposal may be used if approved by the Board of Health and Plumbing Inspector.

- 7.10.4 A manhole shall be installed on the discharge line of the grease interceptor for sampling of the grease interceptor effluent. Sampling shall be performed to ensure compliance with the regulations.
- 7.10.5 Grease interceptors shall be equipped with devices to control the rate of water flow through the interceptors so that the flow rate does not exceed the rated design flow of the interceptors.
- 7.10.6 The use of water-cooled grease interceptors is prohibited.
- 7.10.7 In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Commissioner and the Board of Health. Any removal and handling of the collected materials must be performed by licensed waste disposal firms.
- 7.11 The Executive Director and/or Superintendent may, upon inspection of downstream sewers, require a change in the frequency of pumping grease traps and/or require pumping/cleaning records be submitted to the superintendent upon request.
- 7.12 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense. Owners of such facilities shall provide periodic written reports to the Commission as required. The Owner shall employ qualified personnel certified with the Commonwealth of Massachusetts to maintain and operate Pretreatment Facilities.
- 7.13 When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely

located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

7.14 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a property is appropriate or whether a grab sample or grab samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.)

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

7.15 No statement contained in this Article shall be construed as preventing any special agreement

or arrangement between the town and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the Town for treatment subject to payment therefore, by the industrial concern.

- 7.16 Any Person responsible for, or becoming aware of, the discharge to a Public Sewer, accidental or otherwise, of any prohibited substance or of any Slug as defined herein, shall report same immediately by telephone to the Commission so that necessary precautions can be taken to minimize the deleterious effects of the discharge. Said person shall file a written explanation within twenty-four (24) hours, to the Commission detailing the cause of accidental discharge as well as what measures will be taken to prevent future accidental discharges of this type.
- 7.17 The Commission is the sole and exclusive governing body for the planning, construction, operation and maintenance of Sewage Works in the Town.

ARTICLE VIII INDUSTRIAL WASTES

- 8.1 All Persons proposing to discharge Industrial Wastes into any Public Sewer shall submit a permit application to, and receive approval from, the Board prior to initiating discharge to the Sewage Works.
- 8.2 All Persons proposing to discharge Industrial Wastes into the Public Sewer shall submit a written report with the permit application, and periodic reports thereafter as required by the Commission. Said reports shall include measurements and analyses of the Industrial Wastes and shall include (1) a certification as to its accuracy by a qualified and competent professional performing the measurements and analyses, and (2) a statement by an authorized representative of the industry indicating that the reported data were representative of normal operations at his plant. An authorized representative shall be a principal executive officer of a corporation, a general partner of a partnership, or a proprietor of a sole proprietorship.

8.3 Measurements and analyses of Industrial Wastes are to include the following list, at a minimum, where applicable. If any item is not applicable, it shall be so stated on the report of the measurements and the reason for deletion stated. Items shall be deleted only with prior approval of the Commission. The Commission may require additional testing, analysis, and measurements.

8.4 Physical Parameters

Flow (Broken down by sanitary, process, and uncontaminated cooling water; all measured in terms of average daily, maximum daily and peak hourly)

- pH
- Temperature
- Color
- Specific Conductance

8.5 Chemical and Biological Parameters

- Total solids
- Total volatile solids
- Total suspended solids
- Total volatile suspended solids
- Total dissolved solids
- Acidity
- Alkalinity
- 5-day BOD
- COD
- TOC
- TOD
- Oil and Grease
- Chlorine
- Sulfide
- Sulfate
- Phenols
- NH₃ (as N)
- NO₃ (as N)
- NO₂ (as N)
- Kjeldahl Organic Nitrogen (as N)
- Orthophosphate (as P)
- Total phosphorus (as P)
- Hydrocarbons
- Asbestos compounds
- Pesticides

Benzene
Herbicides
Cyanides
Priority Pollutants
Esters
Cr, Cu, Cd, Fe, Pb, Mn, Zn, F, As, Hg, Ni, Ag

- 8.6 For all industries with an average Sewage flow of less than 3,000 gallons per day, flow shall be measured with a sealed water meter on the water supply line. For all industries with an average Sewage flow of 3,000 gallons per day or more, a Sewage flow measuring device of a type approved by the Commission shall be installed and maintained by the Owner at his expense for the purpose of Sewage flow measurement.
- 8.7 All applications to discharge any Industrial Wastes, drainage, substances, or wastes directly or indirectly into any Sanitary Sewer under the control of the Commission or tributary thereto, shall be accompanied by an agreement stating that the Applicant agrees to abide by all By-Laws, ordinances and rules and regulations of the Town and the Lowell Regional Wastewater Utility, that the Applicant will provide such works for the pretreatment of the Industrial Wastes, drainage, substances or wastes as may be required by the Commission and/or Executive Director, and that the Applicant will permit the Commission to enter the premises of the industry to sample and measure the Sewage, as needed, to check the characteristics of the Sewage, when so determined and directed by the Commission or the Executive Director.
- 8.8 All requirements of this Article shall be satisfied at no expense to the Town.

ARTICLE IX PROTECTION FROM DAMAGE

- 9.1 No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or temper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate

arrest under charge of disorderly conduct.

- 9.2 No unauthorized person shall enter or remain in or upon any land or structure of the sewage works. Any person violating this provision shall be subject to charges of trespass.

ARTICLE X POWERS AND AUTHORITY OF SUPERINTENDENT

- 10.1 The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations. The Board or their representative shall have no authority to inquire into any metallurgical, chemical, oil, refining, ceramic, painting, paper, plating, textile, laundry, or other industrial activity beyond that having direct bearing on the kind and source of discharge to the Public Sewers, Watercourses, Natural Outlets, or facilities for Sewage treatment.
- 10.2 The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes, which have a direct bearing on the kind and source of discharge to the wastewater facilities. The industry may withhold information considered confidential. However, the industry must establish that disclosure of the information in question to the public might result in an advantage to competitors.
- 10.3 While performing the necessary work on private properties referred to in Section 10.1. the Superintendent or duly authorized employees of the Town shall be informed of and observe all safety rules applicable to the premises established by the companies, and the companies shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the companies against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the companies and

growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the companies to maintain safe conditions as required in Section 7.14.

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

ARTICLE XI PENALTIES

- 11.1 Any person found to be violating any provision of this ordinance except Article XI shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 11.2 Any person who shall continue any violation beyond the time limit provided for in Section 11.1. shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$5,000 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. If the violation continues, the Commission shall direct the Town Counsel to seek an injunction in the Superior Court of the Commonwealth of Massachusetts requiring the offender to cease all violations.
- 11.3 Any person violating any of the provisions of these regulations shall become liable to the town for any expense, loss, or damage occasioned the Town by reason of such offense. The expense, loss, or damage shall be taken to be to the extent determined by a qualified and competent

Professional Engineer, registered in the Commonwealth of Massachusetts particularly skilled in the operation and maintenance of Sewage Works.

- 11.4 The Superintendent has the authority to levy penalties against any drainlayer found in violation of any of these articles. Penalties or fines can range from temporary suspension of license to monetary damages including, but not limited to any expense, loss, or damage occasioned by the Town by reason of such violation.

ARTICLE XII VALIDITY

- 12.1 All regulations or parts of regulations of the Town of Tyngsborough, Massachusetts in conflict herewith are hereby repealed.
- 12.2 The invalidity of any section, clause, sentence, or provisions of these regulations shall not affect the validity of any other part of these regulations which can be given effect without such invalid part or parts.
- 12.3 Since the final treatment facility is the Duck Island Treatment Plant in Lowell, all rules and regulations relating to the use of sewers in Lowell must be followed. Applicable regulation is Lowell City Code, Chapter 18. All applicable rules and regulations administered under the Lowell Pretreatment Program shall apply.
- 12.4 In addition, since Tyngsborough wastewater flows through Dracut and Chelmsford, all rules and regulations relating to the use of sewers in these communities must be followed. The invalidity of any section, clause, sentence or provision within said Program shall be determined by the Superintendent.

ARTICLE XIII APPEALS

- 13.1 The Commission shall receive appeals for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of these

regulations by the Superintendent.

- 13.2 A drainlayer who has been penalized or fined has ten (10) working days to request an appeal, in writing, to the Commission. Upon receipt of an appeal a hearing date will be set in a timely manner. Any penalties or fines accorded will be enforced following the outcome of the hearing, or in the case of no appeal, on the eleventh working day after written notification.

ARTICLE XIV ASSESSMENTS

- 14.1 The Commission shall determine the method of assessment of the cost of public sewers to sewer users in accordance with the requirements of the Tyngsborough Sewer Commission Sewer Assessments and User Charge System.

ARTICLE XV CHANGES IN THESE REGULATIONS

- 15.1 These regulations may be rescinded or modified or added to by the Commission at any time where, in their opinion, such action is for the best interests of the Town of Tyngsborough.

