

TOWN OF RICHMOND  
SEWER REGULATIONS

October 13, 2004

May 3, 2006 (Revised)

AUTHORITY AND PURPOSE

Pursuant to the provisions of Section 10 of Chapter 83 of the Massachusetts General Laws, the Board of Sewer Commissioners hereby adopts these regulations for the construction, regulation and administration of a system of public sewers, as approved by a special town meeting on September 24, 2003. The effective date of the regulations is October 13, 2004. The regulations were published in *The Berkshire Eagle* on September 22, 2004, and the Sewer Commissioners conducted a duly noticed public hearing on the regulations on October 6, 2004.

These regulations have been enacted for the purpose of protecting the safety, health and convenience of the residents of the Town by regulating the layout, construction and administration of a system of public sewers. The system is intended to serve approximately 148 dwelling units located adjacent to Richmond Pond in the areas commonly known as Richmond Shores, Branch Farm, Whitewood and Camp Russell, as shown on a plan titled, "Richmond Pond Sewer Project", prepared by Tighe & Bond and on file with the town clerk. The plan was developed based on a Project Evaluation Report submitted to the Department of Environmental Protection in October, 2002, revised March, 2004. The report documented potential environmental and health effects of failing septic systems at existing buildings in the aforesaid areas and recommended the construction of a public sewer system to eliminate on-site subsurface sewage disposal problems that exist. In addition to the existing buildings, the capacity of the system is also designed for an approximate additional ten dwelling units for parcels of land around Richmond Pond that are located on the public sewer and considered potential building lots for residential buildings; however, any such construction on such building lots shall meet all applicable laws, bylaws and regulations for the siting of water supply wells, for work in or near protected wetland resource areas, as governed by the Massachusetts Wetlands Protection Act and Richmond Wetland Bylaw, and for work in or near rare and endangered species habitats, as identified and governed by the state Natural Heritage and Endangered Species Program, in addition to meeting the requirements of the zoning bylaw and these regulations.

ARTICLE I. DEFINITIONS

Sec. 1-1. Definition of miscellaneous terms.

Unless the content specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (a) Applicant or owner shall mean any person requesting approval to or having permission to discharge sewage into the sewage works of the Town.

- (b) Betterment is the fee that a property owner shall pay that covers a proportionate share of all payments on loans secured by the Town to design and construct the public sewer system.
- (c) 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 days at 20 degrees Centigrade, expressed in milligrams per liter.
- (d) Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
- (e) Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
- (f) City shall mean the City of Pittsfield.
- (g) Combined sewer shall mean a sewer receiving both surface runoff and sewage.
- (h) Commission shall mean the Board of Sewer Commissioners of the Town of Richmond or its authorized deputy or representative.
- (i) Dwelling, multiple family, shall mean a building used for human habitation, consisting of a permanent kitchen, sleeping, living and toilet facilities and intended for the habitation of more than one household.
- (j) Dwelling, single family, shall mean a building used for human habitation, consisting of a permanent kitchen, sleeping, living and toilet facilities and intended for the habitation of a single household
- (k) Equivalent Dwelling Unit (EDU) shall mean the measurement by which residential and non-residential properties shall be assessed betterments and sewer user charges and shall be based on the amount of sewage produced by a typical single family home in one (1) day.
- (l) Frontage shall mean any portion of an undeveloped lot that provides direct access to a public sewer as shown on a plan entitled "Richmond Pond Sewer Collection System" and on file with the town clerk.
- (m) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (n) Hazardous waste for the purpose of these regulations shall mean solid, liquid or viscous waste, material or substance, or combination of wastes, materials or substances, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported or disposed of or otherwise managed and which, if disposed of in any fashion other than through the POTW, would be classified as a hazardous waste under 40 CFR Part 261.
- (o) Industrial user shall mean any user of the POTW that discharges or proposes to discharge pollutants into the POTW from any nondomestic process source regulated under section 307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (p) Industrial waste shall mean the liquid, solid or viscous wastes from a fabrication, manufacturing, production or other process operation of a source regulated under section

307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., which is discharged to or disposed of through the POTW.

(q) Interference shall mean a discharge by a user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, and which is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued hereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D or the SWDA), the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection Research and Sanctuaries Act.

(r) Lot, developed, shall mean a parcel of land that contains a building used for residential or non-residential use.

(s) Lot, undeveloped, shall mean a parcel of land that the Richmond zoning enforcement officer has determined meets the minimum requirements of the Richmond Zoning Bylaw and the Massachusetts General Laws for the lawful construction of a building for residential use. A parcel that contains multiple lots that meets the minimum requirements of the Richmond Zoning Bylaw and the Massachusetts General Laws for the lawful construction of a building for residential use shall be assigned a number of EDUs equal to the number of residential buildings that may lawfully be built on the parcel. The determination shall be made using the minimum requirements of the bylaw and general laws for sufficient road frontage and lot area for the construction of a building or buildings for residential use, but shall not include application of the provisions of MGL Chapter 41, Section 81K, the Subdivision Control Law.

(t) National Pollutant Discharge Elimination System (NPDES) permit shall mean a permit issued to the Town of Richmond or to the City of Pittsfield pursuant to the Federal Water Pollution Control Act.

(u) Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body or surface of ground water.

(v) New source shall mean any building, structure, facility or installation of a user from which there is or may be a discharge of pollutants, the construction of which is commenced after publication of proposed pretreatment standards applicable to such source, provided that (1) the building, structure, facility or installation is constructed at a site at which no other source is located; or (2) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (3) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

(w) Non-residential use shall mean any building discharging sewage into a public sewer that is not used principally as a residence. Such uses shall include municipal uses, summer camps, businesses or any other type of user not specifically prohibited from using the public sewer.

- (x) Normal domestic sewage shall mean sewage that has pollutants not exceeding one or more of the following concentrations: BOD--200 milligrams per liter (mg/l); suspended solids--250 mg/l; phosphorus--10 mg/l; or ammonia nitrogen--25 mg/l as nitrogen (N).
- (y) Pass through means the discharge of pollutants through the POTW into navigable waters in quantities or concentrations, which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (z) Person shall mean any individual, firm, company, association, partnership, society, corporation, government, group, or an agent or employee thereof.
- (aa) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (bb) Pretreatment shall mean treatment of sewage before discharge to a public sewer.
- (cc) 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 one-half inch (1.27 centimeters) in any dimension.
- (dd) Publicly Owned Treatment Works (POTW) shall mean any facility for the treatment of sewage located in Richmond or Pittsfield.
- (ee) Public sewer shall mean a sewer serving more than one estate in which all owners of abutting properties have equal rights, and which is controlled by public authority.
- (ff) Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (gg) Sewage shall mean the liquid and water-carried wastes from buildings, together with such ground, surface and storm waters as may be present, whether treated or untreated.
- (hh) Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage.
- (ii) Sewage works or publicly owned treatment works (POTW) shall mean any facility or system, owned by the Town of Richmond or City of Pittsfield, which is used in the collection, sampling, treatment or disposal of municipal sewage of a liquid nature, including any sewers that convey wastewater to the treatment plant, but not pipes, sewers or other conveyances not connected to a facility providing treatment.
- (jj) Sewer shall mean a pipe or conduit for carrying sewage.
- (kk) Shall is mandatory; may is permissive.
- (ll) Significant noncompliance with pretreatment standards shall mean either a chronic violation; or a TRC violation; or any other violation of a daily maximum or longer-term average pretreatment effluent limit that the appropriate local, state or federal authority determines has caused, alone or in combination with other discharges, interference or pass through or endangerment of the health of POTW personnel or the general public; or any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such discharge; or failure to meet, within 90 days of any scheduled date, a compliance schedule milestone contained in a control authority permit or enforcement order for starting construction, completing construction or attaining final compliance with any pretreatment standard or regulation; or failure to

provide, within 30 days after the due date, required reports; or failure to accurately report noncompliance; or any other violation or group of violations which the authority determines has affected or will adversely affect the operation or implementation of the pretreatment program.

(mm) Slug shall mean any water, sewage, industrial wastes, materials, substances, or pollutants, including oxygen demanding pollutants, released in a discharge at a flow rate and/or concentration such as to cause interference with the operation of the POTW or pass through.

(nn) Storm drain (sometimes termed "storm sewer") shall mean a sewer or other conduit which carries storm and surface waters and drainage, but excludes sewage.

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

(pp) Technical review criteria (TRC) violation shall mean any violation of wastewater discharge limits by an industrial user in which 33% or more of the measurements for any pollutant taken in any six-month period equal or exceed the product of the daily maximum limit or the average limit for the pollutant multiplied by 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH.

(qq) Town shall mean the Town of Richmond.

(rr) User shall mean any person whose premises are connected to a public sewer.

(ss) User charge shall mean a charge levied on users of the sewage works as required by section 204(b) of the Clean Water Act (33 U.S.C. 1251 et seq., as amended).

(tt) Wastes shall mean substances in liquid, solid or gaseous forms that are carried in water.

(uu) Water course shall mean a channel in which a flow of water courses, either continuously or intermittently.

## ARTICLE II. IN GENERAL

### Sec. 2-1. Common sewers and drains to be property of Town, etc.

Every sewer or drain now laid, or that may be hereafter laid, for the purpose of draining more than one property, and all sections of the sewer system located within the street lines of the sewer service area, shall be deemed to be a common sewer and hereafter every such sewer shall become the property of the Town upon its connection with the sewage system of the Town and its acceptance by the Sewer Commissioners. No sewer or sewer appurtenance or structure shall be accepted by the commission if such sewer shall drain into any privately owned system of sewerage or privately owned sewage handling or pumping facility prior to its connection to the sewage system of the Town. All such sewers or drains hereafter laid, whether at the expense of the Town or of private persons, shall be laid under the direction, supervision and control of the commission.

Sec. 2-2. Water, gas, etc., pipes and construction work not to obstruct or interfere with sewers

Whenever any property, public or private, is opened for the laying of pipes for water, gas or other purposes, or for the prosecution of any work of construction, such laying of pipes and the work connected therewith, or such work of construction, shall be executed as not to obstruct in any way the course, capacity or construction of a common sewer, and whenever pipes for any purpose or any work of construction are found to exist at such a depth or in such location as to interfere with an existing sewer or with the building of any sewer of the required size, and at the proper depth and grades, the person proposing such work shall, upon notice thereof, at once remove, change or alter such pipes or other works in such manner as the commission shall direct. If such person neglects to comply immediately with the terms of such notification, the commission may make such removal, change or alteration, and the cost thereof shall be paid by such person.

Sec. 2-3. Record of common sewer plans and connections to be kept.

The commission shall provide and keep on file accurate plans of all common sewers showing the form, mode of construction, depth below surface, the location of all wyes and chimneys, and the general direction and location of the sewer relative to the road lines or neighboring property; and shall also keep a record of all entries into any common sewer of which a record exists, and of all future entries as soon as they are made.

Sec. 2-4. Account and report of the cost of common sewers; annual sewerage system report.

The commission shall keep an accurate account of the cost and all other expenses of each common sewer, and whenever requested shall make a report thereof to the town meeting. Such commission shall publish in the annual town report a report of all work performed in the sewerage system during the year, including the total length and original cost of existing sewers, and the amount of all expenditures from the appropriation for sewers.

Sec. 2-5. When connection with common sewer required.

The sewage from each existing building shown on a plan titled "Richmond Pond Sewer Project" prepared by Tighe & Bond and on file with the town clerk, shall be conducted into such sewer within one year of the date the system is "approved for use"; provided, however, that the board of health may exempt any building from the foregoing requirement if, in the opinion of the board, the public health and safety warrant such exemption. In cases where there is a failed septic system or other problems affecting public health and safety, the board of health may order a hookup in a shorter period of time. On all roads provided with a common sewer, the sewage from all buildings hereafter constructed shall be conducted into such sewer. No privy vault or cesspool for

sewage shall hereafter be constructed on any property abutting on a road provided with a common sewer.

### ARTICLE III. BUILDING SEWERS AND CONNECTIONS

#### Sec. 3-1. Permit to connect to public sewer required.

(a) No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the commission. The permit application shall be accompanied by a site plan showing the location of the well, the house and any other buildings, the driveway, any wetlands and any other features that the commission may require.

(b) Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the commission at least 45 days prior to the proposed change or connection. Notwithstanding the forgoing, the timeline for connections in the first year of sewer system operation shall be at least seven days prior to connection.

(c) Where such contributions or proposed contributions do not meet applicable pretreatment standards or requirements or where such contributions would cause the POTW to violate its NPDES permit or be determined by the commission to have the potential for causing interference with the operation of the POTW or pass through, the commission shall deny or condition such contributions to ensure compliance with pretreatment standards or to prevent interference or pass through.

#### Sec. 3-2. Classes of building sewer permits; applications; revocation; industrial wastes prohibited

There shall be one class of building sewer permit: for residential and non-residential service. Establishments producing industrial wastes, as defined herein, and any other establishment discharging or proposing to discharge wastes containing toxic pollutants or wastes determined by the commission to have the potential for significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge or other wastewater treatment residuals, the POTW's effluent quality, or air emissions generated by the POTW are prohibited. Permits may be revoked by the Town for a violation of this section, the pretreatment regulations adopted by the Town or City, or applicable state and federal regulations.

#### Sec. 3-3. Expense of building sewer installation and connection.

(a) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(b) At the time of obtaining a permit, the owner or his designated contractor shall furnish to the Town evidence of liability insurance with respect to injuries to persons or property that may arise during the construction of the connection in limits of not less than

\$100,000 for bodily injury to persons per occurrence and \$25,000 for injury to property of third persons. The owner or contractor shall further post with the treasurer, a cash or surety bond in an amount deemed sufficient by the commission to ensure restoration of the traveled portion of the public or private way, including sidewalks if any, to their former condition following completion of the work required to complete the sewer connection.

Sec. 3-4. Separate and independent building sewers; exception.

A separate and independent building sewer shall be provided for every existing residence; except where one building stands at the rear of another or in the case of an interior lot and where 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.

Sec. 3-5. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the commission, to meet all requirements of this chapter.

Sec. 3-6. Requirements for construction of building sewer.

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Sec. 3-7. Level of construction of building sewer.

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 by an approved means and discharged to the building sewer.

Sec. 3-8. Prohibition against connection of exterior drains to public sanitary sewer.

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

Sec. 3-9. Connection of building sewer into public sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building code 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. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the commission before installation.

Sec. 3-10. Notice to commission by applicant for building sewer permit.

The applicant for the building sewer permit shall notify the commission at least forty-eight (48) hours before beginning the work and also twenty-four (24) hours before the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the commission or its representative. One copy of the permit shall be available for inspection at all times at the site of the work.

Sec. 3-11. Excavations for building sewer installation.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Roads, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town. Once excavation for a building sewer installation commences, it shall be completed within thirty (30) days, however, the commission may waive this requirement in cases where weather conditions or other factors delay work and such delay will not be detrimental to the public health or safety.

ARTICLE IV. USE OF THE PUBLIC SEWERS

Sec. 4-1. Prohibition against discharge of surface water into sanitary sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

Sec 4-2. Discharge of unpolluted drainage into storm sewers, etc.

Stormwater and all other unpolluted drainage shall be discharged to such sewers or other approved drainage facilities as are specifically designated as storm sewers, or to a natural outlet approved by the commission and subject to an EPA permit when necessary.

#### Sec. 4-3. Discharges prohibited to public sewers.

No person shall discharge or cause to be discharged any of the following described substances, materials, waters or wastes to any public sewer:

(a) Any wastestream containing gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas having a closed-cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade, as measured using the test methods specified in 40 CFR 261.21.

(b) Any waters or waste 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstructions to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, disposable diapers, sanitary products, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(e) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees centigrade) and in no event at a temperature and quantity that will cause the temperature at the POTW treatment plant to exceed 104 degrees Fahrenheit (40 degrees centigrade).

(f) Waters or waste containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(g) Any waters or waste having pollutants which may pass through or interfere with the operation or performance of the POTW, including any substance which may cause the effluent or any other agencies having jurisdiction over said effluent or product discharge or disposal.

(h) Any industrial wastes.

(i) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the commission.

(j) Any waters or waste containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(k) Any waters or waste containing iron, chromium, copper, zinc 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 commission for such materials.

(l) Any waters or wastes containing phenols or other taste- or odor-producing substances which, after treatment, may cause the composite sewage to fail to meet the requirements

of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.

(m) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the commission in compliance with applicable state or federal regulations.

(n) Any waters or wastes having a pH in excess of 9.5.

(o) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurry and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume or flow or concentration of wastes constituting "slugs" as defined herein.

(p) Any water or waste containing fats, wax, grease, or oils, including but not limited to petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, whether emulsified or not, in excess of 100 mg/l or in such lower amount as would cause interference or pass through.

(q) Pollutants which result in the formation of or presence of toxic gases, vapors, fumes or noxious odors within the POTW in any quantity that may cause acute worker health or safety problems.

(r) Any trucked or hauled pollutants, except at discharge points designated by the commission.

(s) Any hazardous waste as defined in this regulation.

Any user discharging or proposing to discharge to the POTW any materials, substances, waters, wastes or pollutants specified in this section shall provide immediate notification to the commission of the discharge or proposed discharge.

Nothing in this section shall prevent the establishment and application of specific pollutant discharge limits by the commission on any class of user where materials, substances, waters, wastes or other pollutants discharged by the user or class of user have the potential, singly or in combination with other discharges, to result in pass through or interference in the operation of the POTW.

#### Sec. 4-4. Dilution prohibited as substitute for treatment.

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.

#### Sec. 4-5. Options of the commission in event improper wastes to be discharged.

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 in sections 4-1 through 4-4 of these regulations, and which, in the judgment of the commission reasonably appear to present an imminent endangerment to the health or welfare of persons, the commission may, with informal notice to any discharger, demand an immediate cessation of, or prevent, said discharge. With notice of the discharger as elsewhere contained in these regulations, the commission may halt or prevent any discharge to the public sewer which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. In addition to rejecting the wastes, the commission may:

- (a) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (b) Require control over the quantities and rates of discharge; and/or
- (c) Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges.

If the commission 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 commission and subject to the requirements of all applicable codes, regulations, laws and pretreatment standards.

Any discharger not in compliance with any categorical pretreatment standard, local limit, or other limit imposed by state or federal law shall submit to the commission forthwith a compliance schedule meeting the requirements of section 3-2 of these regulations, and, in the case of noncompliance with a categorical pretreatment standard, such schedule shall meet the requirements of 40 CFR Part 403.12. Not later than 14 days following each date in such schedule and the final date for compliance, the discharger shall submit a progress report to the commission indicating whether or not an increment of progress or final compliance date was met and, if not met, when compliance with that increment of progress or final compliance is expected.

Within 90 days after a final date of compliance with any categorical pretreatment standard, local limit, or limit imposed by state or federal law, or, in the case of a new source non-residential user, within 90 days after commencement of discharge to the POTW, each non-residential user shall submit to the commission a report of compliance with the categorical pretreatment standard, local limit, or limit imposed by state or federal law, said report meeting the requirements of 40 CFR Part 403.12.

#### Sec. 4-6. Provision for interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the commission, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the commission, and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 4-7. Maintenance of preliminary treatment or flow-equalizing facilities.

Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 4-8. Installation of control manholes, etc.

When required by the commission, the owner of any property serviced by a building sewer carrying non-residential user wastes shall install a suitable control manhole or sampling location together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole or sampling location, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the commission. The manhole 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.

Sec. 4-9. Sampling of waters and wastes.

(a) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the test methods and procedures as established in 40 CFR Part 136 and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole or at such other sampling location or locations as may be specified by the commission. In the event that no special manhole or sampling location has been provided, the control manhole or sampling locations shall be as determined by the commission.

(b) Samplings 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-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken, Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic samples.)

(c) All non-residential users discharging into a public sewer shall perform such monitoring of their discharges as the commission 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 commission. Such records shall be made available upon request by the commission to other agencies having jurisdiction over discharges to the receiving waters. Non-residential users shall maintain records of any monitoring activities and sampling results for a period of three years or during the course of any unresolved litigation regarding the user to which the such records may be pertinent, whichever shall be the greater, and shall make such records available for inspection and copying by the commission or its duly authorized representative on demand.

(d) Any non-residential user subject to a pretreatment standard shall provide to the commission, at a minimum of once every six months or at such greater frequency as the

commission may require, a report of the nature, concentration and flow of pollutants in the discharge to the sewer from the establishment. Such report shall be signed by a responsible corporate officer or by a general partner or proprietor of the user or by their duly authorized representative and submitted on a form and in such detail and extent as the commission may require pursuant to the performance of its duties under the provisions of this regulation.

## ARTICLE V. PROTECTION FROM DAMAGE

### Sec. 5-1. Penalty for unauthorized damage to the sewer system.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works or sewer collection system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

### Sec. 5-2. Permitting unlicensed person to repair, etc., sewer.

No owner, agent, occupant or other person having charge of premises connected or to be connected with any public sewer shall allow, direct or permit any repairing or obstructing of a public sewer, or any excavation to be made for the purpose of connecting therewith, except by a person duly licensed for that purpose.

## ARTICLE VI. POWERS AND AUTHORITY OF INSPECTORS

### Sec. 6-1. Right to enter premises to inspect waste processes; confidentiality.

The commission and duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provision of this regulation. The commission or its representative shall have the authority to inquire into the nature and source of any discharge to the sewers or waterways or facilities for waste treatment. The cost of any such inspection, observation, measurement, sampling, or testing required to be performed by the commission or its duly authorized representative in the performance of duties under these regulations shall be assessed to the user at rates established by the commission.

The commission or its representative shall have the authority to copy and inspect any applicable records produced by a user. Information and data provided to the Town pursuant to this section which is effluent data shall be made available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR, Section 2.302.

Sec. 6-2. Observance of safety rules on private premises.

While performing necessary work on private properties, the commission or duly authorized employees of the Town shall observe all reasonable safety rules applicable to the real premises established by the owner thereof and the latter shall be held harmless for injury or death to the Town employees and the Town shall indemnify the said owner against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against said owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in these regulations.

Sec. 6-3. Easements on private property and work thereon.

The commission and duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, replacement, repair and maintenance of any portion of the sewage works 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 easement pertaining to the private property involved. Nothing in this section shall prevent the commission or its representative from entering upon the premises of any user for the purposes of inspection, observation, measurement, sampling or testing pursuant to the requirements of this chapter.

## ARTICLE VII. SEWER CONSTRUCTION BETTERMENTS

Sec. 7-1. Basis and rates.

The Town of Richmond shall assess sewer betterments based on the Equivalent Dwelling Unit (EDU) method. Lots containing residential and non-residential uses that produce sewage and undeveloped lots that are determined by the zoning enforcement officer to meet minimum dimensional requirements to qualify as a building lot and where the public sewer has been constructed and directly abuts the frontage of such undeveloped lot shall be assessed by a rate proportional to the total number of existing sewer units to be served at the time of assessment. Said rate shall be determined by user class and the total assessments shall not exceed the local share of the total sewer project cost, which shall include total costs of engineering, survey, design, construction, land acquisition, construction engineering services, legal services, fiscal costs, administrative services and all related contingencies and tasks, as well as the Town's share of services provided by wastewater treatment facilities owned and operated by a nearby municipality or private contracting firm consistent with intermunicipal agreements entered into with that specific entity by the Town, less all state and federal aid received.

The number of existing and proposed sewer units shall be determined by the commission. The time of assessment shall be that date upon which the sewer system with appurtenances is "approved for use." In the case where the construction of that portion of

the sewer system funded by betterments is completed prior to the date upon which the sewer system is “approved for use” it shall be within the discretion of the commission to establish an earlier date of assessment.

## Sec. 7-2 Sewer Unit Designation

### (a) General

Sewer units shall be determined based upon the user class of those properties to be assessed a betterment. Said classes shall include residential and non-residential. The residential class shall include all dwellings used for human habitation, consisting of permanent kitchen, sleeping, living and toilet facilities. The non-residential class shall include commercial, municipal, summer camps and other non-residential uses, and sewer units for these shall be determined based upon the residential equivalent of such non-residential class, as provided herein.

### (b) Sewer Unit Determinations

Properties receiving direct benefit from the public sewer system, whether developed or undeveloped, shall be designated a number of EDUs in accordance with the following:

#### (1) Residential Developed Lot

(a) A Single Family Dwelling shall comprise one (1) EDU

(b) Multiple Family Dwellings (more than one (1) EDU) shall comprise a number of EDUs based upon the number of households contained in the dwelling.

#### (2) Non-residential Developed Lot

(a) Non-residential buildings and users shall be assigned a water consumption volume by the Board of Health based on title 5 of the State Environmental Code of the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage. Such assignment shall take into consideration the number of days per year that the facility operates, the number of persons served by the facility and the nature of said use, with the total EDUs prorated according to the foregoing factors. An owner, board of directors or similar entity with control of a developed lot shall enter into an enforceable agreement with the commission limiting the use of the facility, in order to ensure said uses are consistent with said water consumption determination. The commission shall review such determination and uses on an annual basis and may assign a higher number of EDUs if the water usage exceeds the assigned amount. No non-residential developed lot shall be assessed less than one (1) EDU.

#### (3) Undeveloped Lot

Undeveloped lots, whether subdivided or not, that are determined by the zoning enforcement officer to meet minimum dimensional requirements to qualify as a building lot and where the public sewer has been constructed and directly abuts the frontage of such undeveloped lot shall be assigned one (1) EDU and be assessed accordingly. Notwithstanding the provisions of these regulations, an owner, board of directors or similar entity with control of an undeveloped lot may enter into an enforceable agreement with the commission where the owner shall record on the deed of the undeveloped lot in

the Berkshire Middle District Registry of Deeds, noting the book and page of the restriction on the deed to the lot, a conservation or deed restriction or similar instrument acceptable to the commission that prohibits the construction of a dwelling that would require sewer service. The Town shall be a party to such restriction and no such restriction shall be removed without the consent of the Town. In this circumstance, a betterment for the undeveloped lot shall not be assessed while the instrument is in effect. In the event that the instrument is removed from the deed of an undeveloped lot, the property owner shall be assessed one (1) EDU for each building lot and shall pay a proportionate assessment, as determined by the commission, for each year sewer service was available to the lot. Any costs for connecting a building subsequently constructed on the lot to the public sewer shall be borne by the property owner.

Sec. 7-3. Property owner/developer/contractor to pay costs of construction in certain cases.

The cost of constructing a common sewer to connect to the public system of sewerage heretofore adopted by the Town and the property line of a proposed single family dwelling, development or subdivision shall be assumed and paid by the property owner, developer or contractor of said single family dwelling, development or subdivision and said property owner, developer or contractor shall be responsible for securing all easements and other rights to gain access to the public sewer; provided, however, that this section shall be limited to the following conditions:

- (a) Application for a permit for such construction shall be made to the commission by the applicant for the proposed single family dwelling, development or subdivision at least 60 days prior to the commencement of such construction; provided, however, that the commission at its discretion may waive such 60 day period.
- (b) A plan of the proposed single family dwelling, development or subdivision shall be on file with the planning board and such plan shall have been approved by said board. Additionally the board of health or Department of Environmental Protection, as appropriate, shall give approval in matters relating to the installation of private wells or public water supplies and the conservation commission shall give approval in resource areas and buffer zones governed by the Massachusetts Wetlands Protection Act and Richmond Wetland Bylaw.

Sec. 7-4. Property owner/developer/contractor to pay costs of pump stations.

- (a) The costs of sewer pump stations to be constructed as part of proposed single family dwellings, developments or subdivisions as described in section 7-3 shall be assumed and paid by the property owner/ developer/contractor of said development.
- (b) The commission shall assess a one-time charge upon the property owner/developer/contractor to defray the estimated costs of operation, maintenance, repair and replacement of said pump stations for a period of 30 years; all costs in excess of the one-time charge shall be the responsibility of the Town.
- (c) Applications for permits shall be made in conjunction with and in accordance with the application described in section 7-3.

(d) Any property owner/developer/contractor who disagrees with the amount of the one-time charge determined by the commission shall have the right to appeal the decision. The matter shall be referred to the Town's sewer system consulting engineer who shall independently calculate the amount needed to defray the costs outlined in subsection (a) of this section. The decision of the consulting engineer shall be final and binding on both the Town and the property owner/developer/contractor. The property owner/developer/contractor shall be responsible for all costs resulting from the appeal including the consulting engineer's fees.

Sec. 7-5. Connection charges.

Every applicant for a permit to connect with a public sewer shall pay to the Town for the privilege of entering the same, as the commission may require.

Sec. 7-6. Payment of betterments not to relieve owners from payment of annual user charges for use of sewers.

The payment of betterments under the provisions of the four preceding sections shall not be construed to relieve the owner of estates so assessed from payment of such just and equitable user charges for the use of such sewers as may hereafter be established by the commission for the purpose of defraying the expense of maintaining such system of sewerage, and the expense of disposal of the sewage thereof.

Sec. 7-7. Plans, descriptions and record of charges; schedule of assessments generally.

The commission shall cause plans and descriptions to be made of all sewers forming part of the sewer system constructed pursuant to the provisions of this regulation, with a true record of the charges for making and repairing the same, which plans, descriptions and record shall be kept in its office. The commission or its representative shall prepare plans or descriptions of the property to be assessed showing the owners' names and property and shall enter thereon the amount of the betterment made on each property. He shall make and certify a schedule of the betterments so made and shall commit the same for collection to the board of assessors.

Sec. 7-8. Notice of betterment and demand for payment; when betterment due and payable; interest to be charged on delinquent betterments; levy invalid betterments.

The collector of taxes upon the receipt of the schedule of betterments shall forthwith render notice of betterments and accounts of the same to the persons named therein, and shall demand payment of the amount assessed and such amount shall be due and payable 30 days from the date of such notice, after which time the interest, at a rate per annum equal to 2% above the rate of interest chargeable to the Town for the betterment project, shall be charged thereon. If any such betterment shall not be paid within three months after such notice and demand, the collector shall levy on the same with incidental costs and expenses by sale of the land. If any betterment is invalid by reason of error or otherwise the same may be abated by the commission or reassessed by

it. Any owner of a residential or non-residential property may pay the entire betterment at any time.

Sec. 7-9. Rate of interest; collection of betterments generally.

The rate of interest to be charged with reference to the apportionment of sewer betterments shall be as provided under the provisions of Massachusetts General Laws, Chapter 80, Section 13, as amended, and Chapter 83, as amended, Such betterments or apportionments may be collected according to the provisions of law for the collection of taxes upon real estate, and said rate of interest shall be provided under the provisions of Massachusetts General Laws, Chapter 80, Section 13, as amended, and shall be added to all such betterments or apportionments until they are paid.

Sec. 7-10. Disposition of funds collected under these regulations.

All sums collected under the provisions of this article shall be placed to the credit of an account to be known as a sewer fund, and shall be applied towards the payment of the principal and interest on the debt incurred for the construction of such system of sewerage as the same becomes due and payable from time to time.

## ARTICLE VIII. SEWER USER CHARGES

Sec. 8-1. Levy of sewer user charges.

A sewer user charge shall be levied against the owners of all properties where users discharge sewage into the public sewers of the Town.

Sec. 8-2. Establishment of rates.

Charges for sewer service shall be established from time to time by the commission. Such rates shall be computed based upon the total amount budgeted for sewer works operation and administration plus equipment replacement and projections of water use and waste-water discharge by system users and other such factors as shall be necessary to establish such rates. Said rates shall be reviewed biennially to ensure they adequately recover the above costs and are in conformance with the established user charge requirements.

Sec. 8-3. Method of billing.

Charges for residential sewer service shall be based on Equivalent Dwelling Units (EDUs), where one EDU equals the daily discharge from a typical single family home. Each residential property shall be assigned one (1) EDU for purposes of determining the sewer user charge and non-residential users shall pay a proportionate share based on water consumption volume determined by the board of health based on title 5 of the State Environmental Code of the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

Notwithstanding any other provision of these regulations, any owner of a residential property that is deed restricted or otherwise limited in the number of days that occupancy of the property is allowed and any owner, board of directors or similar entity with control of a non-residential property that is deed restricted or otherwise limited in the number of days that occupancy of the property is allowed or where the usage of the property is restricted by an enforceable agreement with the commission may petition the commission, on a form to be prescribed by the commission, for a rate less than one (1) EDU, based on such limitations of time and use. Any property granted a rate of less than one (1) EDU for limited days of occupancy shall be completely winterized and is subject to inspection by the commission to determine compliance with these regulations.

#### Sec. 8-4. Surcharges.

(a) Any user discharging sewage that exceeds the strength of normal domestic sewage shall pay a sewer service surcharge for the pollutants that exceed those in normal domestic sewage in addition to the sewer charge provided for in these regulations. Surcharge rates for BOD, suspended solids, phosphorous and ammonia nitrogen shall be determined by and approved by the commission based on the average cost of analyzing and treating each type of pollutant.

(b) Any user discharging any toxic pollutant to the sewage works which causes an increase in the cost of managing the sewage treatment plant effluent or the sludge generated by the sewage treatment plan shall pay for such increased costs.

#### Sec. 8-5. Statement of sewer user charges; collection of sewer user charges; liens therefor.

(a) At least 30 days before sewer user charges become due, the commission shall mail a statement to each owner of premises charged with sewer service rates. The statement shall contain the following information (in addition to any information deemed necessary or appropriate by the commission):

- (1) The address of the owner;
- (2) The location of the property;
- (3) The amount of the sewer user charge; and,
- (4) The date upon which the payment of the sewer user charge is due.

(b) On or before the mailing of the aforementioned sewer user statements, the commission shall deliver to the collector of taxes, bills for all sewer user charges together with a correct list of such bills. The bills to the collector of taxes shall contain the same information as that hereinbefore mentioned as necessary to be given by the commission to the owner. The commission shall make true returns to the accountant of the amount of sewer user charges contained in such lists.

(c) On receipt of such bills the collector of taxes shall proceed to collect the same and shall have authority to bring suit therefor in the name of the Town in any court of competent jurisdiction. He or she shall give the commission a list of all sewer user charges unpaid 30 days after they have been committed to him for collection and the commission shall thereupon proceed to enforce payment thereof. In the event the sewer user charges remain unpaid for 60 days the commission shall cause to be filed in the

proper registry of deeds a statement to that effect in full compliance with Massachusetts General Laws, Chapter 40, Section 42B, for the purpose of perfecting a lien for such charges.

Sec. 8-6. Appropriation of funds.

The funds of the sewer department shall be kept separate from other funds of the Town, and disbursement of sewer department funds shall be made so that the Town and the commission are always aware of the department's financial condition. Money received by the Town for sewer betterments, user charges and other revenues shall be received by the collector of taxes and paid to the town treasurer. The money paid into the town treasury from sewer betterments, user charges and other revenues shall be appropriated by the town meeting for the necessary repairs, extension and improvements of the sewer works system; for operating and managing expenses; for the payment of the employees and agents of the sewer department; and for the payment of interest on sewer indebtedness and all payments of principal of such indebtedness and the costs and expenses incurred by special appropriations of the town meeting. The balance, if any, after the payments for the aforesaid purposes may be appropriated for such other sewer department purposes as the commission may from time to time determine.

ARTICLE IX. PENALTIES, ETC.

Sec. 9-1. Violation of sewer regulations.

No person shall violate any provision of these regulations or federal or state law, regulation, or pretreatment requirement or any order of the Town relevant thereto, or any conditions of any permit granted pursuant to this chapter.

The Town may enforce this section by commencing an action for appropriate legal and/or equitable relief. Such relief may be civil, injunctive or criminal.

Sec. 9-2. Fines for violation of these regulations.

Any person who shall violate these regulations or any permit granted pursuant to these regulations shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding \$5,000 or the maximum allowed by state law for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

The commission shall establish from time to time a schedule of offenses and fines therefor. Inclusion or omission of any offense on such schedule shall not prevent the Town from taking any other or additional enforcement action as may be required to enforce the provisions of these regulations.

Schedule of Fines:

Violation of regulations, general ..... \$300.00

Making connection or discharging to sewer

without permit .....	\$300.00
Failure to report changes in industrial discharge, slugs, etc. ....	\$500.00
Exceeding permit limits for regulated pollutants, each .....	\$ 500.00
Discharge pH less than 5.5 or greater than 9.5, first offense .....	\$ 500.00
Discharge pH less than 5.5 or greater than 9.5, second and subsequent offenses .....	\$ 500.00
x number of offenses	
Dilution of discharge to avoid pretreatment after warning .....	\$1,000.00
Discharge to sewer of prohibited substance, pollutant or waste .....	\$1,000.00
Discharges causing interference in operation of POTW or pass-through not resulting in violation of Town or City NPDES permit .....	\$1,000.00
Significant noncompliance with pretreatment standards .....	\$2,500.00
Discharges causing interference in operation of POTW or pass-through resulting in violation of Town or City NPDES permit .....	\$5,000.00
Discharge to sewer of explosive substances, gasoline, fuels, or volatile chemicals not otherwise permitted, etc. ....	\$5,000.00

Note: Violation of pollutant concentration limits shall be determined by daily average measurements and analyses. Fines shall be assessed per violation per day, each such day constituting a separate violation.

Sec. 9-3. Liability to Town of persons violating sewer regulations.

Any person violating any of the provisions of these regulations shall become liable to the Town for any expense, loss, or damage occasioned by the Town for reason of such offense, including, the cost of publication of such record of noncompliance in the

largest daily newspaper published in the area of the POTW as required by 40 CFR Part 403.8.

Sec. 9-4. Reserved.

ARTICLE X. VALIDITY

Sec. 10-1. Severance clause.

The invalidity of any section, clause, sentence or provision 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.

Secs. 10-2. Reserved.

ARTICLE XI. RESERVED

Secs. 11-1. Reserved.

As voted by the Board of Sewer Commissioners at a duly noticed public meeting on October 13, 2004.

Revised May 3, 2006

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ROGER W. MANZOLINI

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ALAN B. HANSON

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MARGUERITE J. RAWSON

BOARD OF SEWER COMMISSIONERS