

ARTICLE 10. PUBLIC SEWER BY-LAW

Section 10.1 - Definitions

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

"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 twenty degrees Celsius, expressed in milligrams per liter.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Combined Sewer" shall mean a sewer receiving both surface runoff and sewerage.

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

"Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

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

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of foods 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 (1/2) inch (1.27 centimeters) in any dimension.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

"Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage. "Shall" is mandatory; "May" is permissive.

"Slug" shall mean any discharge of water, sewage or industrial waste which in 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.

"Storm Drain" shall mean (sometimes termed "storm sewer") a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

"Superintendent" shall mean the Superintendent of Sewage Works and/or Water Pollution Control of the Town of Sutton or his authorized deputy, agent or representative.

"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.

"Watercourse" shall mean a channel in flow of water occurs, either continuously or intermittently.

"Secretary" shall mean the Secretary of the Agency of Environmental Conservation, Commonwealth of Massachusetts or his representative.

Section 10.2 - Buildings, Sewers, and Connections

10.2.1

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of

pollutants that are being discharges into the system shall notify the superintendent at least forty-five (45) days prior to the proposed change or connection.

10.2.2

There shall be two (2) classes of building sewer permits

- a. for residential and commercial use.
- b. for service to establishments producing industrial wastes, in either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee of fifteen dollars (\$15.00) for a residential or commercial building sewer permit and fifty dollars (\$50.00) for an industrial building sewer shall be paid to the Town at the time the application is filed.

10.2.3

All costs and expenses 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.

10.2.4

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and private sewer is not 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.

10.2.5

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

10.2.6

The size, slope, alignment, materials of construction of a building sewer and the methods to be used the excavating place 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 A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

10.2.7

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.

10.2.8

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

10.2.9

The connection of the building sewer into the public shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.E. manual or Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedure and materials must be approved by the Superintendent before installation.

10.2.10

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

10.2.11

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

10.2.12

All property owners whose land abuts a public or private way in which a common sewer has been laid are required to connect to the sewer, unless the property owner can demonstrate to the satisfaction of the Board of Health the existence of a compliant Title V system.

Section 10.3 - Use of the Public Sewer

10.3.1

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

10.3.2

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

10.3.3

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- b. Any waters or wastes 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 wastes having a pH lower than 6.5, or having any other corrosive property capable of causing damage to structures, equipment, and personnel of the sewage works.
- d. 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 sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

10.3.4

No persons 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 system, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as 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 and other pertinent factors.

The substances prohibited are:

- a. Any liquid or vapor having higher than one hundred fifty degrees Fahrenheit (150° or 65° C).

b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100mg/l) or containing substances which may solidify or become viscous at temperatures between thirty two and one hundred fifty degrees Fahrenheit (32 °F to 150 °F or 0° to 65 °C).

c. 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 approval of the Superintendent.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any waters or wastes 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 Superintendent for such materials.

f. Any waters or wastes containing phenols or other producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State and Federal regulations.

h. Any waters or waste having a pH in excess of 9.0.

i. Materials which exert or cause:

1. Unusual 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).

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

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, may cause the effluent limitations of the discharge permit to be exceeded.

4. Unusual volume or flow or concentration of wastes constituting "slugs" as defined herein.

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

10.3.5

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 10.3.4 of this article and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10.3.10. of this article.

If the Superintendent 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 Superintendent, and subject to the requirements of all applicable codes, ordinances, laws, and the municipal discharge permit. Further, such treatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry.

10.3.6

Grease, oil, and sand interceptors shall be provided. In the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands, 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

10.3.7

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

10.3.8

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation sampling, and measurement of the wastes, such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. 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. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Where industrial pretreatment permits are issued by the Commonwealth of Massachusetts monitoring records must also be submitted to the Board of Sewer Commissioners in accord with such permit. Records of any other monitoring will be supplied by the Superintendent to the Commonwealth on request.

10.3.9

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance 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 analysis involved will determine whether a twenty-four (24) 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 analysis are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

10.3.10

Any industry held in violation of the provisions of this ordinance may have its disposal authorization terminated.

10.3.11

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 of unusual strength or character may be accepted by the Town for treatment, subject to payment, therefor, by the industrial concern.

Section 10.4 - Protection From Damage

10.4.1

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 sewer works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 10.5 - Powers of Authority of Inspectors

10.5.1

The Superintendent and other 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 provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

10.5.2

While performing the necessary work on private properties referred to in Section 10.5.1 above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by town employees and against claims of liability and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 10.3.8.

10.5.3

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 purpose of, but not limited to, inspection, observation, measurement, sampling, 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 duly negotiated easement pertaining to the private property involved.

Section 10.6 - Penalties

10.6.1

Any person found to be violating any provision of this ordinance except Section 10.4 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.

10.6.2

Any person who shall continue any violation beyond the time limit provided for in Section 10.6.1, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$20.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

10.6.3

Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense.

10.6.4

In addition to those fines established under section 20.2.2 (Non-criminal disposition) of the town's General By-law #20, any industrial, residential or commercial user discharging into the public sewer system who is found guilty of violating either Federal, State or Local discharge rules and regulations shall be subject to a civil penalty of \$5,000.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 10.7 - Validity

10.7.1

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

10.7.2

The Validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect within such invalid part or parts.

Section 10.8 - Rates

10.8.1

The Board of Sewer Commissioners shall establish the user charge and industrial cost recovery system in accordance with appropriate Federal and State rules and

regulations pertaining to the costs associated to the use of the sewer by an industry.

10.8.2

The Board of Sewer Commissioners shall establish the user charge system in accordance with appropriate Federal and State rules and regulations pertaining to the costs associated to the use of the sewer by a non-industrial user.

10.8.3

The Board of Sewer Commissioners shall in establishing the rates referred to in Sections 10.8.1 and 10.8.2 above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of the applicable State and Federal regulations.

10.8.4

Rate Structure (to be developed).

10.8.5

Industrial Cost Recovery Structure (to be developed).

Section 10.9 - Ordinance In Force

10.9.1

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

10.9.2

Passed and adopted by the Sewer Commissioners, Town of Sutton, Commonwealth of Massachusetts, on the 25th day of September 1978.

Section 10.10 - Sewer Privilege Fees

10.10.1

In lieu of sewer betterment assessments under Chapters 80 and 83 of the General Laws (Terr. Ed. of the Commonwealth of Massachusetts and Chapter 800 of the Acts of 1963 of the Commonwealth of Massachusetts, the Town of Sutton shall hereafter change a permanent sewer privilege fee as established by this By-Law. The fees established herein may be changed from time to time by vote of the Town at any annual or special town meeting.

10.10.2

Whenever a connection is made, either directly or indirectly, to the Town sewer system, or any connection already made, or whenever the use of a sewer previously connected is subsequently changed as hereinafter provided, a

permanent sewer privilege fee shall be assessed. Such fee shall be that which is in effect at the time the connection is made; or, in the case of a change in use of a sewer previously connected, then the fee in effect at the time an application for a building permit is filed; or if no such permit is required then at the time an occupancy permit is issued, or, of none, then at the time the new use begins.

10.10.3

The permanent sewer privilege fee shall be at the rate of \$ 5,000.00 per unit. For the purpose of this by-law the number of units to be assessed on each such connection shall be as follows:

A. Residential Use

1. Each single family building connected directly to the Town sewer system shall be assessed as one unit.
2. Each dwelling unit in a multiple family dwelling whether connected to the Town sewer system directly or indirectly, shall be assessed \$5,000.00 per unit.

B. Other Uses

1. For uses other than residential, there shall be an assessment of a minimum of one unit, and an additional unit for every 10,000 square feet of floor space, or major portion thereof, exceeding an initial 10,000 square feet of floor space, up to a total of 50,000 square feet of floor space; and an additional unit for every 25,000 square feet of floor space or major portion thereof exceeding the initial 50,000 square feet. In the event that said (unit) is subdivided into more than one tenant or business, an additional one-half unit will be charged for each unit or business.

C. Change in Use

1. When a sewer has previously been connected, in residential uses when additional dwelling units are added, a fee of \$5,000.00 per unit.
2. When a sewer has previously been connected, in uses other than residential when additional floor space is added, a fee shall be assessed on one unit for each additional 10,000 square feet of floor space, or major portion thereof, up to a total of 50,000 square feet of total floor space of the building; and an additional unit for every 25,000 square feet of floor space, or major portion thereof, exceeding the initial 50,000 square feet, or if it is subdivided into more than one tenant or business, an additional unit will be charged for each unit or business.

Adopted: Oct. 12, 1978

Amended: 4/18/86, 10/17/88, 2/1/89, 6/19/89, 5/1/89, 5/4/92, 5/3/93, 10/19/98, 10/19/98, 10/20/03, 5/9/05, 5/14/07