

7.13 SEWERAGE RULES AND REGULATIONS

These rules and regulations regulate the use of public sewers and drains and shared systems, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system or shared systems; and provides penalties for violations thereof; in the Town of Duxbury, county of Plymouth, State of Massachusetts.

Be it ordained and enacted by the Town of Duxbury, State of Massachusetts Board of Sewer commissioners as follows:

ARTICLE I **DEFINITIONS**

Section 1 "Biochemical Oxygen Demand" (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees C, expressed in milligrams per liter, under standard laboratory procedure as described in "Standard Methods for the Examination of Waste and wastewater".

Section 2 "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 ten (10) linear feet (3.0 meters) along the center line of the pipe, measured from the inner face of the building wall.

Section 3 "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Section 4 "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

Section 5 "Easement" shall mean an acquired legal right for the specific use of land owned by others.

Section 6 "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 pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Section 7 "Federal" is the United States Environmental Protection Agency.

Section 8 "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Section 9 "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Section 10 "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.

Section 11 "May" is permissive (see "shall", Sect. 19).

Section 12 "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 13 "pH" shall mean the reciprocal of the logarithm of the 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} .

Section 14 "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 1/2 inch (1.27 centimeters) in any dimension.

Section 15 "Public sewer" shall mean any sewer controlled by the Town of Duxbury, Department of Public Works.

Section 16 "Sanitary sewer" shall mean a sewer 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.

Section 17 "Sewage" is the spent water of a community. The preferred term is "wastewater" (see Sec. 26).

Section 18 "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

Section 19 "Shall" is mandatory (see "May", Sec. 11).

Section 20 "Shared system" as defined by 310 CMR 15.002 is a community type wastewater disposal system utilizing components of both conventional sewer systems and on site disposal systems.

Section 21 "Slug" shall mean any discharge of water or wastewater 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 and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Section 22 "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Section 23 "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 that fraction of sewage that is not soluble in water.

Section 24 "Town" shall mean the Town of Duxbury, County of Plymouth, State of Massachusetts and/or any duly authorized deputy, agent, or representative of the Town of Duxbury, Massachusetts.

Section 25 "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of effluent limitation standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 26 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquids and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

Section 27 "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Section 28 "Wastewater flow allocation" shall mean the assigned flow for a parcel of land, served or being considered for service by a shared septic system. The wastewater flow allocation shall be considered a maximum daily flow. Wastewater flow allocations shall not apply to parcels or buildings served by public sewer that is connected to the Marshfield Wastewater Treatment Plant.

Section 29 "Wastewater treatment facility" 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 works" or water pollution control facility".

Section 30 "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

Section 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 Duxbury or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or objectionable waste.

Section 2 It shall be unlawful to discharge to any natural outlet within the Town of Duxbury, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these rules and regulations.

Section 3 When public sewer or shared system is available, it shall be unlawful to construct, reconstruct, or extend any privy, privy-vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Section 4 The Owner(s) 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, common driveway or right-of-way in which there is now located a public sanitary sewer or a shared system of the Town, is hereby required at the owner(s) expense to connect to the public sewer or a shared system in accordance with the provisions of these rules and regulations and the State Plumbing Code, within one year after said sewer or shared system is complete and ready for use.

Section 5 Individual request may be made to the Board of Selectmen, acting as Sewer Commissioners, for extension of the one-year period of time due to extenuating circumstances.

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

Section 1 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer, shared system or appurtenance thereof without first obtaining a written permit from the DPW.

Any person proposing a new discharge into a public sewer system shall apply in writing to the DPW for a building sewer permit at least 45 days prior to the proposed connection or change. Any person proposing a substantial change in the character of pollutants that are being discharged into the system shall request written approval for such change in writing to the DPW at least 90 days prior to the proposed connection or change and provide appropriate documentation.

In addition, any person proposing a new discharge into the public sewer system served by any septic or treatment system, excluding the public sewer that is connected to the Marshfield Wastewater Treatment Plant, shall apply I writing to the DPW for a Wastewater Flow Allocation in conformance with 7.13.3: WASTEWATER FLOW ALLOCATIONS.

Section 2 There shall be two (2) classes of building sewer permits: (a) for residential or commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the Board of Selectmen, acting as Sewer Commissioners. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board of Selectmen, acting as Sewer Commissioners. A permit and inspection fee of twenty-five dollars (\$25.00) or a fee established by Board of Selectmen, for a residential or commercial building sewer or shared system connection permit shall be paid to the town at the time the application is filed. The permit and inspection fee for industrial service shall be based on the actual cost to the Town but in no event shall said fee be less than twenty-five dollars (\$25.00).

Section 3 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 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 no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board of Selectmen acting as Sewer Commissioners or its authorized representative to meet all requirements of these rules and regulations. All costs of such testing and inspection shall be borne by the Owner(s).

Section 6 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, testing, and backfilling the trench, shall all conform to the requirements of the Town's Building and Plumbing Codes and the following Board of Selectmen acting as sewer Commissioners, criteria for the installation of and the connecting to the Town's sanitary sewer.

The building sewer shall be cast iron soil pipe, Schedule 40 PVC or Class 160 PVC, vitrified clay soil pipe, SDR 35 gravity sewer pipe PVC or asbestos cement pipe. Joints shall be tight and waterproof. If installed in filled or unstable ground, a suitable concrete bed or cradle may be required by the Board of Selectmen acting as Sewer Commissioners.

The size and slope of the building sewer shall be subject to the approval of the Board of Selectmen acting as Sewer Commissioners but in no event shall the diameter be less than five (5) inches. The slope of such five-inch pipe shall be not less than 1/8 inch per foot. All other pipe sizes must slope as to provide a minimum velocity of 2.5 feet per second.

The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings as approved by the Board of Selectmen acting as Sewer Commissioners. No bend of greater than 90 degrees shall be allowed. For each 90 degree bend, there shall be installed a clean out to grade.

No connection is to be made by the contractor to the building plumbing except as provided in the Plumbing Code.

Section 7 Whenever possible, the building sewer should 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 from the sanitary facilities to the public sewer or shared system, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 8 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer or shared system unless such connection is approved by the Town for purposes of disposal of polluted surface drainage.

Section 9 The connection of the building sewer into the public sewer or shared system shall conform to the requirements of the Town's Building code and the State Plumbing Code and other applicable rules and regulations of the Town. All such connections shall be made gastight and watertight and verified by Town inspection. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.

Section 10 The applicant for the building sewer permit shall notify the Board of Selectmen acting as Sewer Commissioners when the building sewer is ready for inspection and connection to the public sewer or shared system. The connection and testing shall be made under the supervision of the Town or

its representative. No back filling shall take place prior to the inspection and approval.

Section 11 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed I n the course of work shall be restored in a manner satisfactory to the Board of Selectmen acting as Sewer Commissioners.

Section 12 No sewer or drain shall be laid within the limits of any street, except by an experienced drain-layer licensed and approved by the Board of Selectmen acting as Sewer Commissioners. The drain-layer shall be held liable for any expense to the Town on account of any imperfect work within the street limits done by him or his employees.

Section 13 The Board of Selectmen acting as Sewer Commissioners may issue licenses to drain-layers who apply for a permit for making excavation within the limits of any street of the Town for the purposes of laying sewers or shared system appurtenances. Parties so licensed shall execute a bond to the Town in a sum as determined by the Town but in any case not less than the sum of One thousand Dollars (\$1,000.00) with a surety to be approved by the Town, conditional; that he shall comply to the satisfaction of the Town and with the rules and regulations of the Town and the rules of the Planning Board; that he will cause the excavation to be properly guarded at all times for the protection of the public; that he will properly make all connections and joints in every sewer or shared system component, and that he will indemnify and hold harmless the Town of Duxbury from any damage or cost for which it may be liable by reason of injuries resulting from neglect, carelessness, or incompetence in constructing, repairing or connecting any sewer or shared system component, or property fencing or lighting any excavation or obstruction, or in performing any other work connected herewith. Said license(s) shall be good during the fiscal year unless sooner revoked for failure to perform in an expeditious or workmanlike manner. The fee for such license shall be as established by the Board of Selectmen.

ARTICLE IV

USE OF THE PUBLIC SEWERS

Section 1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer or shared system.

Section 2 Stormwater shall be discharged to storm sewers or to a natural outlet approved by the Town or other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Town or other regulatory agencies, to a storm sewer, or natural outlet.

Section 3 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers or shared system:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- b. Any waters 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 waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving water of the wastewater treatment plant
- c. Any waters or wastes having pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or shared systems, 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, plastic, 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.
- e. Strong acid pickling waste and concentrated plating solutions whether neutralized or not.

Section 4 The following described substances, materials, waters or wastes shall be limited in discharge to the municipal sewerage system or shared system to concentrations or quantities which will not harm either the sewers or shared system, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitute a nuisance. The Town may set more restrictive limitations than those established herein to meet the above objectives. In forming an opinion as to acceptability, the Town will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction in the sewers, components of a shared system, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste by the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanity sewer or shared system which shall not be violated without approval of the Town include but are not limited to the following:

- a. Wastewater having a temperature higher than 140 degrees Fahrenheit.
- b. Wastewater containing more than 25 milligrams per liter of petroleum, oil, non biodegradable cutting oil or product of mineral origin.
- c. 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, including but limited to cyanides, heavy metals, strong acids and basic wastes, etc.

d. Any garbage that has not been properly shredded (See Article 1, Section 14). Garbage grinders may be connected to sanitary sewers or shared system from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

e. Any waters or wastes containing iron, chromium, copper, zinc, arsenic, cadmium, cyanide, lead, mercury, nickel, silver, or similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Town or Federal effluent limitations.

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

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

h. Materials which exert or cause:

1. Unusual concentrations 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.

3. Unusual chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

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

- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- j. Any water or wastes which, by interaction with other water or wastes in the public sewer system or shared system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

- k. Any waters or wastes having a pH in excess of 9.5.

- l. Any water or wastes having a 5-day biochemical oxygen demand greater than 300 milligrams per liter.

- m. Any water or wastes containing more than 350 milligrams per liter of suspended solids.
- n. Any water or wastes containing floatable oils, fats or grease.

Section 5 If any waters or wastes are discharged or are proposed to be discharged to the public sewers or shared system, which waters or wastes contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Town, 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 Town may:

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

If the Board of Selectmen acting as Sewer Commissioners or Federal effluent limitations require pretreatment of waste flows, the design and installation of such facilities shall be subject to the review and approval of the Board of Selectmen acting as Sewer commissioners and the Commonwealth of Massachusetts, Division of Water Pollution Control.

Section 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board of Selectmen acting as Sewer Commissioners, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 4(n), 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 Board of Selectmen acting as Sewer Commissioners and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas tight, and watertight. 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 Board of Selectmen acting as Sewer Commissioners. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by properly licensed waste disposal firms.

Section 7 Where pretreatment of 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.

Section 8 The Board of Selectmen acting as Sewer Commissioners shall determine the quantity and quality of all industrial wastes which can be properly taken into the shared system or sewerage system and treated at the sewage treatment works, in addition to the sanitary sewage from the Town, and the Town may regulate by separate industrial user agreement(s) approved by the Board of Selectmen acting as Sewer Commissioners, the flow of industrial wastes into the sewerage system or shared system.

Section 9 When required by the Board of Selectmen acting as Sewer Commissioners, the owner(s) 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 Board of Selectmen acting as Sewer Commissioners. The structure shall be installed by the owner(s) at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest 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 in the public sewer or shared system 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 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 24-jhour composites of all outfalls whereas pHs are determined from periodic grab samples.

- a. All industries discharging into a public sewer or shared system shall perform such monitoring of their discharge as the Board of Selectmen acting as Sewer Commissioners may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board of Selectmen acting as Sewer Commissioners. Such records shall be made available upon

request by the DPW to other agencies having jurisdiction over discharges to the receiving waters.

Section 11 No provision or combination of provisions in the Article shall be construed as preventing any special agreement or arrangement between the Board of Selectmen acting as Sewer Commissioners and any industrial concern which contains provisions for acceptance by the Board of Selectmen acting as Sewer Commissioners of an industrial waste of unusual strength or character for treatment upon terms and conditions agreed to by the Board of Selectmen acting as Sewer Commissioners and the industrial concern, or which contains provisions which are otherwise inconsistent with any provisions of these Rules and Regulations either expressly or by implication, provided that the validity of any such agreements entered into by the Board of Selectmen acting as Sewer Commissioners prior to the effective date of these Rules and Regulations is hereby ratified and confirmed, and provided further that if any provisions of any such agreements are expressly or implicated inconsistent with provisions contained in these Rules and Regulations or rules and regulations promulgated hereunder, the provisions of such special agreements shall control.

ARTICLE V

POWERS AND AUTHORITY OF INSPECTORS

Section 1 The Director and other duly authorized employees of the DPW, or its agents, shall be permitted, as a condition of discharge into a public sewer or shared system, to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these rules and regulations. Any property owner or occupant who refuses entry into a property for one of the stated purposes, shall be notified that such entry is a condition of discharge into the public sewer or shared system and that action will be taken hereunder in the event the requested entry is denied. The duly authorized employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.

Section 2 Duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind of source of discharge to the waste water collection system or shared system. An industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Section 3 Duly authorized employees shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but no 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.

Section 4 While performing the necessary work on private properties referred to in Article 5, Section 1, above, the duly authorized employees 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 hold harmless the company against loss or damage to its property by the Town employees and against liability claims and demands for personal injury or property damage asserted against the company and caused by negligence or failure of the company to maintain safe conditions as required in Article 4, Section 9.

ARTICLE VI CHARGES FOR SEWER SERVICE

Section 1 Betterment Charges: The owner(s) of houses, buildings or other properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, common driveway, alley, or right-of-way in which a public sewer or shared system has been installed, shall pay to the Town a betterment charge in accordance with Betterment Assessments and Sewer Privilege Fees adopted by the Board of Selectmen, acting as Sewer Commissioners, provided that said structure or its existing individual on-site sanitary disposal system is within two hundred (200) feet of said public sewer or shared system.

Said betterment charge shall be applicable whether the structure or its sanitary disposal system is connected to the public sewer or shared system or not. In cases where a structure is beyond two hundred (200) feet of said public sewer or shared system, the owner(s) shall pay the Town a betterment charge when and if such structure or its individual on-site sanitary disposal system is connected to the public sewer system or shared system. The amount of the betterment charges shall be as established by the Board of Selectmen from time to time. Said betterment charges shall be determined so that the total of such charges will not be greater than the actual net cost to the Town of the sewerage collection system or shared system constructed by the Town including the portion of the building sewers in public streets and rights-of-way, the collecting sewers, shared system and other facilities required to convey the wastewater to the waste treatment plant of the Town.

(Costs associated with the capacity of such facilities provided for expansion of the collection system to presently unsewered areas will be excluded from the current betterment charges.)

Section 2 Sewer User Charges: Each user connected to the sewerage system or shared system shall pay a sewer user charge (sewer rental charge). The sewer user charge shall be established by the Board of Selectmen acting as Sewer commissioners from time to time to cover the annual operating expenses of the municipal sewerage system or shared system. The normal sewer user charges shall be based on water use wherever possible. If records of metered use are not available or do not properly reflect the quantity of waste discharged, the sewer use charge shall be based upon estimated water use or on actual measurement of the volume of waste discharged into the sewerage system or shared system. Sewer surcharges may be levied to users whose characteristics are above normal strength.

Section 3 Industrial Cost Recover: Industrial users connected to the sewerage system or shared system shall make repayments to the Town of Duxbury for that portion of the Federal grants under Public Law 92-500 allocable to the construction of wastewater facilities used for the collection and treatment of industrial wastes as defined in 40 CFR, Part 35, Subpart E. The amounts and terms of the industrial cost recovery payments shall be as established by the Board of Selectmen in accordance with 40 CFR, Part 35, Subpart E, and subject to the approval of the Regional Administrator of the United States Environmental Protection Agency.

ARTICLE VII CONFLICT OF ORDINANCES

Section 1 If a provision of these Rules and Regulations are found to be in conflict with any provision of any zoning, building, safety or health or other Rules and Regulations or code of the Town of Duxbury, the State of Massachusetts or the Federal Government existing on or subsequent to the effective date of these rules and Regulations, that provision which in the judgement of the Town establishes the higher standard of safety and protection of health shall prevail; and, that rule or regulation or provision which sets the lower standard is hereby declared to be invalid to the extent that it is found to be in conflict with the rule or regulation or provision which sets the higher standard and is hereby repealed, provided, however, that the provisions of Article iv, Section ii shall in no event be declared to be invalid or be repealed by the operation of this Article.

ARTICLE VIII VIOLATIONS

Section 1 Any person, firm, partnership or corporation found to be violating or in violation of any provisions of these Rules and Regulations, shall be served by the Town of Duxbury with a written notice stating the nature of the violation, providing a reasonable time limit, as determined by the Town, for the

satisfactory correction thereof, and, in addition, providing information on a right to a hearing and the procedure and responsibility to request a hearing.

ARTICLE IX HEARING

Section 1 Any person, firm, partnership or corporation served by the Town of Duxbury with notice of a violation pursuant to Article VII, Sec. 1, may request a hearing before the Board of Selectmen acting as Sewer Commissioners by filing within 7 days from the date of the notice of violation a written petition requesting a hearing on the matter. Upon receipt of such a petition the Board of Selectmen acting as Sewer Commissioners shall set a time and place for such a hearing and shall inform the petitioner in writing. The hearing shall be commenced not later than 10 days after the day on which the petition was filed, provided, that upon the written application of the petitioner the Board of Selectmen acting as Sewer commissioners may postpone the date of the hearing for a reasonable time beyond the 10-day period if in the judgment of the Board of Selectmen acting as Sewer Commissioners the petitioner has submitted a good and sufficient reason for such postponement.

Section 2 At the hearing the petitioner shall be given an opportunity to be heard and to show why the notice of violation should be modified or withdrawn.

Section 3 After the hearing the Board of Selectmen acting as Sewer Commissioners shall sustain, modify or withdraw the notice of violation and shall inform the petitioner in writing of its decision.

ARTICLE X APPEAL

Section 1 Any person, firm, partnership or corporation aggrieved by the decision of the Board of Selectmen acting as Sewer Commissioners may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

ARTICLE XI PENALTIES

Section 1 Any person, firm, partnership or corporation who shall continue any violation beyond the time limit provided for in Article VIII, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding more than twenty (\$20.00) for each violation. Each day in which any such violation shall continue beyond the time limit shall be deemed a separate violation.

ARTICLE XII
LIABILITY

Section 1 Any person, firm, partnership or corporation violating any of the provisions of these Rules and Regulations shall become liable to the Town of Duxbury for any expense, loss, or damage, occasioned by the Town by reason or such violation.

ARTICLE XIII
RULES AND REGULATIONS IN FORCE

Section 1 These rules and regulations shall be in full force and effect from and after adoption by the Board of Selectmen acting as Sewer commissioners, and publication as provided by law.

Adopted by Duxbury Board of Sewer Commissioners
April 2, 1977
Amended and Approved April 22, 1996
By Board of Selectmen acting as Sewer commissioners
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7.13.1 BETTERMENT ASSESSMENTS AND SEWER PRIVILEGE FEES

Section 1 General

The Town of Duxbury, acting through its Board of Selectmen, as *Sewer Commissioners*, or duly authorized agent, shall assess the owners of the land abutting a public sewer line (*including Shared systems, as defined by CMR 15.002*) installed by the Town by a rate based upon the uniform unit method.

The authority to assess betterments, as well as the permitted methodologies for doing so, are described in Chapter 80 "Betterments" and Chapter 83 "Sewers, Drains, and Sidewalks", Sections 14 and 24 of the General Laws of the commonwealth of Massachusetts.

If any provisions of these regulations or the application thereof to any Person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without such invalid provisions or applications.

Sections 2-4: Deleted

Section 5 Sewer Privilege Fee

5.1 General

The Board of Selectmen acting as Sewer Commissioners shall assess sewer privilege fees and credits in association with the granting of any new Wastewater Flow Allocation or increase to an existing Wastewater Flow Allocation.

5.2 Sewer Privilege Cost Rate

From time to time, the Board of Selectmen acting as Sewer Commissioners shall establish, review and/or revise the sewer privilege cost rate. The sewer privilege cost rate is a cost per gallon per day. In setting the sewer privilege cost rate, the Board of Selectmen acting as Sewer Commissioners shall consider the original cost of construction of the system, the betterments assessed in association with the system, and the cost of capital repairs or upgrades to the system, if any.

5.3 New or Increased Wastewater Flow Allocations

Upon the granting of a new or increased Wastewater Flow Allocation, the Board of Selectmen acting as Sewer Commissioners shall assess a Sewer Privilege Fee. The amount of the fee shall be based on the mount of the new Wastewater Flow Allocation or increase in the Wastewater Flow Allocation. The Board of Selectmen acting as Sewer Commissioners shall determine a property owner's method(s) of payment of the sewer privilege fee. The sewer privilege fee shall be levied at the time of making the physical connection to the public sewer or shared system; or of increasing flow through an existing connection.

7.13.2 USER CHARGE SYSTEM

BLUEFISH RIVER, SNUG HARBOR, AND BAY ROAD SHARED SYSTEM PROJECTS

Section 1 General

1.1 Authority and Definition

Section 204(b) of the Water Pollution Control Act Amendments of 1972, authorizes the Environmental Protection Agency (EPA) to enforce guidelines specifically relating to the implementation of a user charge system for wastewater services. Grantees seeking Federal assistance funds for the construction of wastewater treatment works, which shall consist of all facilities used for the collection, transmission, storage, treatment and disposal of wastewater, must satisfy the related rules and regulations adopted b EPA and incorporated in Part 35 of Title 40, code of Federal Regulations (CFR). This shall include "Shared Systems" as defined by 310 CMR 15.290. These rules and regulations provide for a fair and equitable cost allocation system which is designed to offset those operation, maintenance and replacement costs associated with the shared systems.

1.2 Basis of User Charge

A property receiving wastewater collection and/or treatment services shall be allocated a user charge based upon its proportionate share of the loading upon the facilities. Loadings are characterized by wastewater volumes, domestic wastewater strengths (i.e. Biochemical Oxygen Demand, Suspended Solids) and any additional pollutants so designated by the Town of Duxbury Sewerage Rules and Regulations.

1.3 Identification of Users

User charges as described herein shall be collected from all users of the Town of Duxbury Bluefish River and Snug Harbor Shared Systems, which are operated and maintained by the Town of Duxbury.

1.4 Authority within The Town

The authority to supplement, rescind, or revise any methodologies related to this user charge system and to make final judgement in any disputes, public or private, in this regard shall reside with the Town of Duxbury Board of Selectmen, acting as Sewer Commissioners, or any duly authorized agent or representative of same.

Section 2 EPA User Charge Provisions

2.1 Summary

This Town of Duxbury user Charge System shall adhere to specific provisions established by EPA in accordance with 40 CFR 35.2122, 35.2140 et. al. These provisions allow for a fair and equitable user charge rate to cover costs associated with the operation, maintenance and replacement related to the shared systems. They are summarized as follows:

- The User Charge System must include a financial management system which accounts for revenues and expenditure.
- Rates must result in the distribution of the cost of operation, maintenance and replacement of all shared systems within the Town's jurisdiction. Distribution must be in proportion to each user or user class contribution to the total wastewater loading of the shared systems facilities.
- Rates must generate sufficient revenues to off set the cost of all shared systems operation, maintenance, and replacement expense.
- Each user who discharges pollutants to the shared systems causing increased costs.
- The Town must apportion operations, maintenance and replacement costs associated with the treatment and disposal of Infiltration/Inflow (I/I) to users on the basis of the allocation of all other operations, or a system that includes consideration of flow volume of the users, land area of the users, or the number of connections to the users.

- User charges must be codified by vote of the Board of Selectmen acting as Sewer Commissioners..
- User Charge System must provide that each user will be notified at least annually of the user charge rate and the portion of user charges that are attributable to wastewater treatment services.

2.2: Deleted

Section 3 User Charge Methodology

3.1 General

The User Charge system for the Town of Duxbury shall be based upon actual use. Under this methodology a user shall pay an annual rate proportionate to the loadings imposed upon the shared systems by the characteristic wastewater flows introduced by that particular user. The specific scheme to be adopted by the Town of Duxbury is described by the EPA as the "surcharge method" which is comprised of the following:

- A rate based on the volume of wastewater introduced into the shared systems. Said volume shall be dependent upon water usage, and shall include infiltration/inflow.
- A surcharge based on wastewater strength parameters, which shall include excessive domestic wastewater strengths and/or high concentrations of additional pollutants as defined within the Duxbury Sewerage Rules and Regulation.

Other methods of assessing user charges are acceptable under EPA guidelines. However, the surcharge methodology best suits the expected characteristics of wastewater flows generated within the shared systems of the Town of Duxbury, where some users may have high strength discharges while a majority of users have discharges equivalent in strength to normal domestic wastewater. In addition, user approval, which is mandatory for the success and ultimate stability of the system, is promoted by the equitable user charges and the potential for cost savings resulting from water conservation.

3.2 Wastewater Volumes

3.2.1 Description

In order to determine the volume and loading imposed upon the shared systems by each individual user, wastewater volumes must be estimated on a user-by-user basis. Since a majority of the users within the Town of Duxbury are metered for water use, these estimates shall be derived by utilizing a percentage of water use as recorded by the users' water meters. This percentage shall be determined based upon the user classification as described in Section 3.2.2 of these regulations.

The total volume of wastewater received by the shared systems will include a certain percentage due to infiltration/inflow (I/I). The cost to treat these I/I volumes must also be apportioned through the user charge system.

3.2.2 User Classification

Most potential users of the Bluefish River and Snug Harbor shared sewer system are metered for water use. To adequately determine the wastewater volumes introduced by each user, a system of user classification must be established. Within the Town of Duxbury all users shall be distinguished within two user classes. They are as follows:

- Residential/Commercial: All users who introduce no more than the equivalent of 25,000 gallons per day (gpd) of wastewater to the shared systems who, in addition, are metered for use of town supplied water. This class shall include single and multi-family dwellings as well as small commercial and industrial users. These users shall be responsible for a wastewater volume equivalent to 80 percent of the volume of water use as recorded by water meter readings.
- Non-Metered: All users who are not metered for town supplied water use regardless of the volume of wastewater discharged into the shared systems. Non-metered users shall not be charged for a wastewater volume in the manner described for the other user classes, but instead shall be assessed a flat rate as described in Section 4.3 of these regulations.

3.2.3 Infiltration/Inflow

The total wastewater volumes introduced into the shared systems includes infiltration/inflow (I/I). Costs associated with treatment services provided for the volume of wastewater in excess of the total estimated wastewater volume loading attributable to all users, shall be assumed to be due to I/I. Said costs shall be proportionately distributed to all users based upon each users' share of the total estimated wastewater volume, as described in Section 2 of these regulations.

3.3 Wastewater Strength Parameters

3.3.1 Domestic Wastewater Strengths

Wastewater strengths (concentrations) covered under this category shall pertain to biochemical oxygen demand (BOD) and suspended solids (SS). Acceptable strengths of these wastewater components have been established as 300 mg/l by standards set for the design of the shared systems. Users who introduce wastewater into the shared systems exhibiting wastewater strengths levels in excess of the adopted standards shall notify the Town of Duxbury Department of Public Works in accordance with an Agreement or Contract, or any other authoritative document related thereto, between the user and the Town. These

users shall be assessed a surcharge rate as described in Section 4.4 of these regulations.

3.3.2 Additional Pollutants

Excessive wastewater strengths covered under this category shall pertain to those pollutants as described within the town of Duxbury Sewerage Rules and Regulations. All rules and regulations related to notification of the Town as addressed in Section 3.3.1 of these regulations shall apply. Users found to introduce wastewater into the shared systems exhibiting concentrations termed excessive by said program shall pay a surcharge rate as described in Section 4.4 of these regulations.

Section 4 User Charge Rates

4.1 General

User charge rates shall be calculated based upon methodologies as described in Section 3 of these regulations. All rates shall be on a basis of dollars per thousand gallons of wastewater discharged to and treated by the shared systems. The total allocable costs to the user charge system shall include costs associated with operation, maintenance and replacement related to the shared systems. (Section 1.1 of these regulations).

Operation and maintenance costs shall be those expenditures incurred during the useful life of the shared systems for materials, labor, utilities and other items which are necessary for managing and maintaining the facilities in order to achieve the capacity and performance for which it was designed and constructed. Replacement costs shall reflect expenditures related to obtaining and installing equipment, accessories or appurtenances necessary to maintain the functional capacities of the shared systems during the useful life. These costs shall not include expenses associated with major rehabilitation or reconstruction upon expiration of the useful life of the shared systems.

4.2 Systems Costs

The system costs to be covered by the user charge system described herein shall be equivalent to the total allocable costs as detailed in Section 4.1 less any applicable revenue generated by the Town of Duxbury related to the shared systems. Said revenue shall include, but not be limited to, any and all collected user charges, betterments, grants, and loans. Building sewer installation permit fees collected by the Town in conjunction with reviews of proposed expansion or addition of service shall not be considered revenue in the determination of annual user charge rates.

System costs shall include the following:

1. Salary and overhead of town employees engaged in work related to the operation, maintenance, inspection, repair, accounting, and preparation of billing for the

shared systems. Overhead includes employee insurance, payroll taxes, benefits, and miscellaneous office operation overhead.

2. Equipment and parts for routine maintenance, including, but not limited to: lubricants, seals, plumbing and electrical fixtures, concrete and pavement repairs, paint, safety equipment, and other related miscellaneous items.
3. Annualized cost of pump replacement assuming a 10-year equipment life. Pump replacements for this size system are not considered “major” system repairs/replacements and are included in the Operations and Maintenance costs.
4. Consultant costs associated with inspection, monitoring, design of miscellaneous repairs, and other related services.
5. Septage handling, transportation and disposal, including any associated permitting fees.
6. Electric power as well as telecommunication and security costs.
7. Police details associated with any field construction or inspection work.
8. Interest and finance charges associated with any borrowing costs.
9. Legal fees associated with any activities specifically related to the operation, maintenance, inspection, repair, accounting, and preparation of billing for the shared systems.
10. Any other costs that can be directly attributed to the operation, maintenance, inspection and repair of the shared system.

4.3 Volume Rate

The volume rate (user charge rate) shall be determined based on the total wastewater volume introduced into the shared systems and the annual system costs as described in Section 4.2. The volume rate shall be calculated as follows:

$$\text{Volume Rate} = \frac{\text{Total System Cost (\$)}}{\text{Total Wastewater Volume (1000 Gallons)}}$$

The total wastewater volume shall be calculated as 80% of the total actual water use as measured by individual water meters.

Individual user shall then be allocated a user charge based upon their proportionate share of the total wastewater volume calculated as 80% of their actual water use as measured from their own water meter. The user charge due to volume only shall be calculated as follows:

User Charge = A x B

Where A = Volume Rate, \$ per 1000 gallons

B = Actual User Volume, 1000 gallons

The Board of Selectmen, acting as Sewer Commissioners may allow the use of separate water meters or secondary water meters where such meters measure water volume for outdoor boat washing or aquaculture activities where such water does not enter the public sewer or shared system, and may allow such separately metered water to be excluded from the calculation of total wastewater volume used in the determination of annual user charges.

A minimum annual user charge of \$60 is set to cover administrative costs for billing.

4.4 Surcharge Rate

The surcharge rate shall be allocated to those users as described in Section 3.3 of these regulations. The actual rate shall be based upon the added costs associated with treating wastewater exhibiting excessive strengths determined in accordance with the Duxbury Sewerage Rules and Regulations and known system design parameters. Said surcharge rate shall apply to that volume of wastewater introduced into the shared systems which has been analytically proven to exhibit excessive domestic and/or industrial wastewater strengths.

Due to the type of industrial and commercial businesses discharging into the shared systems, waste characteristics are not expected to vary considerable from domestic waste. Therefore, allocation by waste volume would be approximately equal to allocation by constituent loading rates.

4.5 Notification and Approval of User Charge Rate

4.5.1 User Notification

Users shall be notified on an annual basis as to what rate they shall be charged within the limits of the Duxbury User Charge System. This notification will be included in the User Charge Billing.

4.6 Appeal of Rates

Users shall have the right to appeal the user charge rates as described within these regulations through procedures established by the Duxbury Board of Selectmen, acting as Sewer Commissioners.

Section 5 Implementation of User Charge System

5.1 Coordination with Water Department

Coordination with the Duxbury Water Department must be achieved to properly implement the user charge system described herein. The existing water metering system shall be used to determine wastewater volumes.

5.2 Billing of User Charge

The procedures associated with billing of the user charge shall be the responsibility of the Duxbury Board of Selectmen, acting as Sewer Commissioners. Utilization of a computerized database in conjunction with the compilation of data regarding all users shall facilitate the task of billing.

5.3 deleted

Adopted by Board of Selectmen, Sewer Commissioners 5/20/96

7.13.3 Wastewater Flow Allocations

Section 1 This section in its entirety shall apply to all discharges to public sewer, except discharges to any public sewer that is connected to the Marshfield Wastewater Treatment Plant.

Section 2 No person shall discharge or cause to be discharged an amount or flow of wastewater that is greater than the Wastewater Flow Allocation for that property.

Section 3 No person shall act to change, enlarge, expand, construct, or modify structures and/or land uses of a parcel of land in such a way that the Title 5 design flow of said parcel is greater than the Wastewater Flow Allocation.

Section 4 By July1, 2003, the Board of Selectmen acting as Sewer Commissioners shall assign a Wastewater Flow Allocation to each parcel of land that was connected to public sewer or shared system prior to the effective date of these regulation revisions.

Section 5 Where two or more parcels are owned by a single person, the property owner may submit a written request to the Board of Selectmen acting as Sewer Commissioners for the wastewater flow allocations for the parcels to be combined and treated as one. The Board of Selectmen acting as Sewer Commissioners may request additional information and/or appearance at a meeting to discuss the request; and shall approve or deny the request in writing within 90 days of the original request, or 60 days from the provision of any additional information requested.

Section 6 Any person proposing a new Wastewater Flow Allocation shall apply in writing to the DPW at least 45 days prior to the change or connection, as described in Section 7 and Section 9.

Section 7 The owner of a parcel of land connected to the public sewer may apply in writing to the Board of Selectmen acting as Sewer Commissioners for an increase in the parcel's Wastewater Flow Allocation. The Board of Selectmen acting as Sewer Commissioners may increase a parcel/s Wastewater Flow Allocation if: (1) there is sufficient remaining capacity in the public sewer and shared system, and (2) the Wastewater Flow Allocation will be equal or larger to the parcel's Title 5 flows based on planned land use. The Board of Selectmen acting as Sewer Commissioners shall assess a fee for the increase in a parcel's Wastewater Flow Allocation consistent with 7.13.1, Betterment Assessments and Sewer Privilege Fees.

Section 8 The owner of a parcel of land connected to the public sewer may apply in writing to the Board of Selectmen acting as Sewer Commissioners for transfer of the parcel's Wastewater Flow Allocation on one parcel and increasing the Wastewater Flow Allocation on another parcel in the service area. The Board of Selectmen acting as Sewer Commissioners may approve such a transfer only if: (1) the Wastewater Flow Allocation of each parcel will equal or larger to that parcel's Title 5 flows based on actual land use.

Section 9 Parcels of land not within the originally defined service area for a particular shared system are not eligible for connection to that system.

Section 10 Any person determined to be in violation of this Article shall be notified in writing by the Board of Selectmen acting as Sewer Commissioners and shall have 30 days to file a written request for a new or increased Wastewater Flow Allocation.