



2010

REGULATIONS FOR THE INSTALLATION AND CONNECTION
OF BUILDING SEWERS AND FOR THE USE OF PUBLIC SEWERS
IN THE
TOWN OF HARDWICK
MASSACHUSETTS

|

EPA Approval:

Effective Date:

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Section A

Purpose and Authority

1. Purpose

The purpose of these regulations is to better manage land alteration and development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of the Town of Hardwick by establishing minimum requirements and procedures for the installation and connection of building sewers and for the Use of Public Sewers.

2. Authority

These regulations are adopted in accordance with Section 10, Chapter 83, of the General Laws of the Commonwealth of Massachusetts. The Town of Hardwick herein prescribes the following regulations for the Installation and Connection of Building Sewers and for the Use of Public Sewers.

3. Responsibility for Administration

The Superintendent of the Sewer Division of the Town of Hardwick shall be the Permitting Authority/Authorized Enforcement Authority and shall administer, implement and enforce these regulations. Any powers granted to or duties imposed upon the Superintendent to promulgate such rules and regulations shall not have the effect of suspending or invalidating these regulations.

4. Applicability

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public or private sewer appurtenance thereof without first obtaining approval of a permit for said connection, extension, repair, or disconnection of a sewer as appropriate.

Every person who directly or indirectly discharges wastewater to the sewer system shall ensure that such discharge complies with 360 CMR 10.00.

Section B

Definitions

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

1. "Abutting" shall mean land which fronts on a public sewer.
2. "Clean Water Act" or "the Clean Water Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. § 1251, et seq.).
3. "Applicant" shall mean the owner as hereinafter defined who makes out a building sewer permit application with the intention of sewerage an improved property.
4. "ANSI" shall mean the American National Standards Institute.
5. "ASTM" shall mean the American Society of Testing & Materials.
6. "Average Daily Flow" or "ADF" shall mean the quantity of flow as calculated by 310 CMR 15.203.
7. "Board of Sewer Commissioners" shall mean the Board of Sewer Commissioners of the Town of Hardwick.
8. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five (5) days at 20° centigrade expressed in terms of mass and volume (milligrams per liter (mg/l)).
9. "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 (5) feet (1.5 meters) outside the inner face of the building wall.
10. "Building Sewer" shall mean the extension from the building plumbing drain to the public sewer or other place of disposal.
11. "Categorical Pretreatment Standard or Categorical Standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

12. "CFR" shall refer to the Code of Federal Regulations.
13. "CMR" shall refer to the Code of Massachusetts Regulations.
14. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
15. "Cooling Water" shall mean the water discharged from any use, such as air-conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.
16. "Domestic Wastes" shall mean liquid wastes (1) from the non-commercial preparation, cooking and handling of food or (2) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
17. "Domestic Wastewater" shall mean normal water-carried household and toilet wastes discharged from any improved property, excluding ground surface, and/or storm water.
18. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
19. "EPA" shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
20. "Excessive" shall mean amounts or concentrations of any constituent of a wastewater which in the judgment of the Superintendent will cause damage to the wastewater treatment facilities, which will be produced in significant quantities in the sludge produced at the wastewater treatment facility, which will be harmful to a wastewater treatment process, which cannot be removed in the wastewater treatment facilities of the Town of Hardwick to the degree required to meet the limited stream classification standard of the receiving water, which can otherwise endanger life, limb, the environment or public property, or which can constitute a nuisance.
21. "Facilities" shall include structures and conduits for the purpose of collecting, treating, neutralizing, or disposing of domestic wastewater and/or industrial or other wastewaters that are disposed of by means of structures and conduits including treatment and disposal works, necessary intercepting, outfall, and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

22. "Garbage" shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food and from the handling, storage and sale of produce. It is composed largely of putrescible organic matter and its natural moisture content.
23. "Improved Property" shall mean any property located within the Town of Hardwick upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure domestic wastewater and/or industrial wastes shall be or may be discharged.
24. "Industrial Establishment" shall mean any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article or from which any process waste, as distinct from domestic wastewater, may be discharged.
25. "Industrial User" shall mean a manufacturing, processing, or other non-residential facilities, such as hospitals, commercial laundries, and tank and barrel cleaning operations, which discharges non-sanitary industrial wastes into a public sewer.
26. "Industrial Wastes" shall mean the liquid or solid wastes from industrial processes, trade, or business, as distinct from sanitary sewage.
27. "Industrial Wastewater" shall mean the liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments.
28. "Interference" shall mean a discharge which alone or in conjunction with a discharge(s) from other sources, both:
 - (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal;
 - (b) Therefore 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 in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including Title II, the Resource Conservation and Recovery Act) , and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

29. "Invert" shall mean the bottom inside of the sewer pipe.
30. "mg/l" shall mean milligrams per liter.
31. "National Pollutant Discharge Elimination System (NPDES) Permit" shall mean the program for issuing, conditioning and denying permits for the discharge of pollutants from sources into the waters of the United States, the contiguous zone, and the oceans pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).
32. "National Pretreatment Standard" or "Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Clean Water Act which applies to industrial users (IUs), including the specific prohibitions found in 40 CFR 403.5.
33. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body or surface or groundwater.
34. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any improved property.
35. "Pass Through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
36. "Person" shall mean any individual, firm, company, partnership, corporation, association, group or society and includes the State, and agencies, districts, commissions and political subdivisions created by or pursuant to State Law.
37. "pH" shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.
38. "Pollutant" shall mean any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of the POTW or its receiving waters.
39. "POTW (Publicly Owned Treatment Works)" shall mean the treatment works operated by the Town of Hardwick and its agents, including any devices and systems, whether owned by the Town of Hardwick or under its control, used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature and also including without limiting the generality of the foregoing, the Town of Hardwick's Wastewater Treatment Facilities and appurtenances, the sewers, pipes, pumping stations

and other devices conveying wastewater to the treatment facilities, and sludge processing systems whether operated by the Town of Hardwick directly or by a contractor or agent of the Town of Hardwick.

40. "Pretreatment or Treatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).
41. "Pretreatment Requirements" shall mean any Federal, State or Local substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on a user.
42. "Pretreatment Standards" shall mean all applicable federal rules and regulations implementing Section 307 of the Clean Water Act, as well as any non-conflicting state or local standards.
43. "Property", "Parcel", or "Lot" shall mean an area of land as marked on the assessment maps and/or drawings in the office of the Town Assessor, Town of Hardwick, Massachusetts.
44. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled and maintained by the Town.
45. "Superintendent" shall mean the Superintendent of the Sewer Division of the Town of Hardwick, or his authorized deputy, agent, or representative.
46. "Receiving Waters" shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or ground water receiving discharge of wastewaters.
47. "Receiving Water Quality Standards" shall mean the Massachusetts Water Quality Standards, as provided under M.G.L. chapter 21, Section 27 and set forth in 314 CMR 1.00 et seq.
48. "Sanitary Sewer" shall mean a sewer, which carries sewage, and to which storm, surface, and ground waters are not intentionally admitted.
49. "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.

50. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
51. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
52. "Sewer Connector" shall mean the extension from the building drain to the public sewer.
53. "Sewer Main" shall mean a sewer constructed of adequate diameter, slope, and material having the capability, in the opinion of the D.P.W. Director, to function as a public sewer.
54. "Shall" is mandatory; "May" is permissive.
55. "Slugs" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
56. "Spill" shall mean the release, accidental or otherwise, of any material not normally released to the facilities, which by virtue of its volume, concentration, or physical or chemical characteristics, creates a hazard to the facilities, their operation or their personnel. Such characteristics shall include, but are not limited to, volatile, explosive toxic, or otherwise unacceptable materials.
57. "Storm Drain" or "Storm Sewer" shall mean a sewer, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
58. "Storm water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
59. "Suspended Solids (SS)" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are not removable by laboratory filtering, and are categorized as non-filterable residue in by the EPA .
60. "Town" shall mean the Town of Hardwick, Massachusetts.
61. "Toxic Pollutant" shall mean a pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA.
62. "Unpolluted" shall mean not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards as provided under G.L. c.21, §27 and as set forth in 314 CMR 1.00 et seq.

63. "User" shall mean any person who contributes, causes, or permits the contribution of sewage into the public sewer or sewage works.
64. "Wastes" shall mean substances in liquid, solid, or gaseous form, which can be carried in water.
65. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, institutions, and industrial establishments, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the Town's wastewater treatment system.
66. "Wastewater Treatment System (System)" shall mean any devices, facilities, structures, equipment, or works owned or used by the Town of Hardwick for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic waste, or is used for the ultimate disposal of sludge resulting from such treatment.
67. "Wastewater Treatment Facility" shall mean any arrangement of devices and structures used for treating sewage
68. "Watercourses" shall mean a natural or artificial channel in which a flow of water occurs, either continuously or intermittently.

All other words and terms not otherwise defined herein shall be construed as having meaning defined in the Glossary: Water and Wastewater Control Engineering, published by the Joint Committee of American Public Health Association, ASCE, American Water Works Association, and Water Pollution Control Federation, or the latest edition of Standard Methods for the Examination of Water & Wastewater, published by the American Public Health Association as either may be amended from time to time, and, if undefined in either publication, by their general and common usage.

Section C

Drainlayers

1. No person shall lay or repair any building sewer, private sewer, or make any connection to any public sewer unless such person is duly licensed by the Town to perform such work.
2. Licenses to perform such work as a drainlayer will be issued only to contractors, who in the opinion of the Superintendent are sufficiently experienced and competent. Any person seeking said license shall file an application therefore on a form, which may be obtained from the Town. Licenses shall expire on the anniversary date thereof and must be renewed annually on or before their date of expiration. The fee for each such license is in accordance with the schedule set forth in Appendix "A"
3. Every applicant who has been issued a drainlayer license shall submit a Certificate of Insurance in the sum of \$200,000.00/\$500,000.00 Broad Form General Public Liability including coverage for premises operations, independent contractors, as well as damage from explosion, by collapse of structures, and to underground pipes, utilities and structures and \$200,000.00/\$500,000.00 Property Damage Liability. Certificates of Insurance shall name the Town of Hardwick as an additional insured. In addition, a Certificate of Insurance of Workmen's Compensation coverage shall be filed. All of the above Certificates shall remain in full force and effect for the period of the license granted hereunder and must be renewed and new Certificates provided to the Town upon renewal of the drainlayers license. Said insurance shall provide that it shall save, defend, and indemnify the Sewer Division and the Town against any and all claims, liability, loss, expense, action, or damage incurred by the Town, including reasonable attorney's fees, arising out of, as a result of, or in any way connected with the performance of the work of the licensee, and for or by reason of any acts or omission of said licensee in the performance of its work. The drainlayer shall comply with any and all applicable Local, State, and Federal codes, rules, and regulations.
4. No licensed drainlayer shall allow its name to be used by any other person, either for the purpose of obtaining permits, or doing any work under its license.
5. Any drainlayers license granted pursuant hereto shall be subject to immediate revocation or suspension upon determination by the Town of unsatisfactory performance or violation of any law, statute, code, or of these regulations.
6. By applying for said license, and/or holding or operating under said license, any drainlayer licensed hereunder agrees that he shall save, defend,

indemnify, and hold harmless the Sewer Division and the Town against any and all claims, liability, loss, expense, action, or damage incurred by the Town, including reasonable attorney's fees, arising out of, as a result of, or in any way connected with the performance of the work of the licensee, and for or by reason of any acts or omission of said licensee in the performance of its work.

Section D

Permits and Inspection

1. **Building Sewer Permit:** 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 Town. 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 Town a minimum forty-five (45) days prior to the proposed change or connection, and shall be required to obtain a written permit from the Town for said new connection or substantial change in discharge.
2. To obtain a Building Sewer Permit, the owner or his agent shall make application on the appropriate form furnished by the Sewer Division. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.
 - (a) A processing fee, in accordance with the schedule set forth in Appendix A attached hereto, shall accompany each class of sewer permit application. The processing fee shall be as required at the time of application. The Town may revise the processing application fee as required to cover actual costs incurred.
 - (b) Permits shall only be issued to plumbers licensed to do business in the Commonwealth of Massachusetts and to drain layers licensed to lay drains in the Town. Permits shall be non transferable.
 - (c) Permits shall be subject to revocation based upon violation by the permit holder of the rules and regulations contained herein, violation of the terms of the permit, or for any other reason deemed appropriate by the Town.
 - (d) A Building Sewer Permit shall expire 120 days after the date of issuance. If the work under the permit is not completed within 120 days, renewal of the permit shall be required and must be obtained prior to completion of the project. A Permit Renewal Processing

Fee, in accordance with the schedule set forth in Appendix A, is required.

- (e) Permits will not be issued until the applicant has filed a layout plan showing the location of the existing service connection, house location, and route of sewer service, and said layout has been approved by the Superintendent.
 - (f) Permits must be obtained for repair work to existing sewer services. A Sewer Service Repair Permit Processing Fee, in accordance with the schedule set forth in Appendix A, is required. Responsibility and liability for all repair work shall be the same as are herein imposed for original connections.
 - (g) No permit shall be issued, except where deemed by the Superintendent to be an emergency, to make an excavation in a public way until the applicant files with the Superintendent copies of the notices to public utility companies as required by M.G.L. Chapter 82, Section 40. Applicant shall also comply with 520 CMR 14.00, regarding trench excavation and safety, where applicable.
 - (h) By applying for, operating under, or holding any permit issued hereunder, said person agrees, grants and permits any Town employee and/or duly authorized representatives of the Town bearing proper credentials and identification the right to enter the subject property for the purposes of inspection, observation, measurement, sampling, testing, and investigations to the degree necessary to permit the evaluation for compliance with these regulations in accordance with the provisions of these regulations. The Town shall provide reasonable notice of any such request and, upon such request, access shall be granted in a timely manner.
3. The applicant for the Building Sewer Permit shall notify the Superintendent a minimum of 48 hours in advance 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. All connections must be inspected and approved prior to trench backfilling and compacting. All inspections shall be made during normal Town working hours. All inspectional costs shall be borne by the applicant in accordance with the appropriate fee schedule in Appendix A.
4. Sewer connection or extension permits shall not be issued to projects, which do not have a required State extension or connection permit, under G.L. c.21, §43 and 314 CMR 7.00 and 360 CMR 10.00, until the extension or connection permit has been obtained. Additionally, permits shall not be issued for

projects located in any part of Town in which there is a moratorium upon sewer extensions or connections imposed by the appropriate Town authority.

5. Alteration Permit: Any person may propose an extension, replacement, or relocation of a Town sewer to serve a new or rehabilitated building or development. Any person who proposes to extend, replace, or relocate a Town sewer shall prepare and submit for review and approval by the Town construction plans with an original stamp by a licensed Professional Engineer in the Commonwealth of Massachusetts, supplemented by such other permits, plans, specifications, and information the Town deems necessary to determine whether to approve the request. Extension, replacement, or relocation of a Town sewer shall not commence without the Town's prior written approval and the issuance of a permit as set forth herein. Every extension, replacement, or relocation of a Town sewer shall be designed and constructed in accordance with the current municipal design standards, requirements, specifications, and standard details as set forth in Section G. All expenses incurred pursuant to the extension, replacement or relocation of a Town sewer including but not limited to application, engineering, legal, permitting, construction, Town review, inspection, and connection costs, shall be borne by the applicant.
6. Before extending, replacing, or relocating a public sewer the owner or owner's representative shall (a) obtain approval in writing by the Town and (b) post a bond with the Town in an amount and form acceptable to the Town. The acceptable amount shall not be less than 10 % of the total cost of work..
7. To obtain a permit to construct a Town approved public sewer extension, replacement, or relocation, the owner shall beforehand agree that upon completion of said extension, replacement, or relocation the owner shall transfer ownership of the sewer to the Town free of charge. As-built Mylar plans for the extended, replaced, or relocated sewer and any other information required by the Town shall be turned over to the Town. Until such time as the sewer shall be considered to be privately owned by the applicant and shall be subject to the requirements pertaining to private sewers contained in these regulations.
8. Disconnection Permit: Prior to the demolition of any building or structure that is connected to the sewer system, the sewer for that building or structure shall be permanently capped at the sewer main or at another location with the approval of the Superintendent. A Sewer Disconnection Permit shall be obtained for the work, and the work shall be inspected and an as-built plan submitted. A Processing Fee as set Forth in Appendix A shall apply to all disconnection permits.
9. All sanitary sewer extensions and connections shall conform to the requirements of 314 CMR 7.00 et seq.

10. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner.
11. Excavation in, or construction of any building or structure in a Town easement is prohibited without prior written authorization from the Town or unless authorized by said easement.
12. The Superintendent's approval shall be required prior to installing below grade plumbing. The owner or owner's representative shall submit a plan of the proposed plumbing to the Town for review and approval. Plumbing that is subject to the requirements of this Section shall include faucets, showers, baths, toilets, and washing machine hookups. All plumbing fixtures located at an elevation below the top of the manhole on the Town sewer serving the proposed plumbing shall be considered to be susceptible to backflow and shall be equipped with a backflow valve in accordance with the State Plumbing Code and the State Building Code. The backflow valve shall be installed and maintained at the owner's expense.

Section E

Annual Sewer Charges

1. Pursuant to G.L. c.83, §16, users of the public sewer shall be charged an annual Sewer Use Fee. The annual sewer use fee will be based on the number equivalent dwelling units as outlined in Section M-5 of these regulations. The annual operation, maintenance and capital repair and replacement costs of the sewerage system will be financed through these fees and any additional sources of revenue. The Town shall annually review said fees and rates and revise them, as needed, to cover all operation, maintenance, replacement and debt service costs associated with the entire wastewater system infrastructure. These fees shall be only charged to users who contribute sewage and waste discharges of strength equivalent to normal domestic wastes or greater. All charges for sewage and waste discharges of non-domestic sewage strength shall be determined for each individual discharge after engineering analysis, the cost of which shall be borne by the user. The analysis shall include all conveyance, operations, maintenance, and treatment issues associated with said sewage and waste discharge. Annual Sewer Use Fees are in accordance with the schedule set forth in Appendix "A"

2. Abatement and Deferral

An owner of real estate aggrieved by a charge may, in accordance with G.L. c.83, §16E, and G.L. c.59, apply for an abatement by filing an application with the Board of Sewer Commissioners.

In considering an application for an abatement or deferral of the Sewer Use Fee the Board of Sewer Commissioners may consider circumstances including, but not limited to, the following:

- (a) To be considered for abatement the property shall be unoccupied for a minimum of six full months in the given fiscal year. The property owner is required to show proof of non-occupancy by providing a copy of an electric bill, showing a full year of electrical consumption bracketing the period in which the property was vacant.
- (b) The maximum annual sewer charge abatement shall not exceed 66% of the total annual sewer service charge.

- (c) A deferral of a portion of the annual sewer charges may be granted to eligible property owners who are receiving deferral of their property taxes. The abatement may be postponed until property ownership is transferred, at which time, all backlogged sewer service charges, plus interest, shall be due and payable in full.

Section F

Building Sewers, Connections and Connection Fees

1. 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, court, yard, or driveway. In such cases, the building sewer from the front building may, at the discretion of the Superintendent, be extended to the rear building and the whole considered as two building sewers.
2. Existing building sewers may be used in connection with new buildings only after they are thoroughly cleaned and are approved by the Town, to meet all requirements of these regulations. The cost of cleaning shall be the sole responsibility of the owner.
3. The size, slope, alignment, 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 any applicable law and/or regulations including the requirements of the building and plumbing code and/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 or current edition shall apply.
4. 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 a means approved by the Superintendent and discharged to the building sewer. If in the event, the difference in elevation between the building sanitary plumbing and the invert of the sewer main is less than three (3) feet, a check valve or backflow prevention device shall be installed at the building. The cost of installing and maintaining check valves and back flow preventer shall be the responsibility of the owner.
5. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a

building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

6. Connections of the building sewer into the public sewer shall conform to all State requirements, these, or any other applicable, regulations of the Town, and the procedures and specifications contained in the ASTM and the WPCF Manual of Practice No. 9 or the current edition. All such connections shall be made gastight and watertight. No deviation shall be permitted, unless such deviation is authorized under said code or regulation and approved by the Town.
7. All excavations for building sewer installation, shall, where applicable, comply with 520 CMR 14.00, and shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. All publicly owned property which was disturbed and restored shall be guaranteed from defects to the maximum extent allowed by law and for at least a minimum of one (1) year.
8. Connection to the public sewer shall be made in conformity with and where required by the Rules and Regulations of the Board of Health.
9. Sewer connection fees are established by the Hardwick Board of Sewer Commissioners. The connection fees are in accordance with the schedule set forth in Appendix A. Fees shall be payable at the time of issuance of the Sewer Connection Permit.
10. Within the sole discretion of the Town, Sewer Connection Permit Fees may be reduced or waived for connections to sewer lines constructed by funding under the authority of MGL Chapter 21 Section 30A, (Collection Systems Grant) or for other reasons if deemed necessary or appropriate by the Town.

Section G

Materials and Workmanship

1. New building sewers, other private sewers, public and private sewer laterals and services, grease traps, oil traps, particle separators, appurtenances, and other wastewater facilities tributary to the Town's wastewater system shall be designed and constructed in conformance with current municipal standards and specifications as set forth in the ASTM and WPCF Manual of Practice No. 9 or current editions, the Gravity Sanitary Sewer Design and Construction Manual, New England Interstate Water Pollution Control Commission Guides for the Design of Wastewater Treatment Works, Title V of the State Environmental Code, 310 CMR 15.00, and the Uniform State Plumbing Code, 248 CMR 2.00 shall apply.
2. Public and private sewers and sewer laterals and service connections shall be laid at least 10 feet horizontally or two feet vertically (below) and horizontally apart from any new or existing water main or service connection.
3. Any area, which is used to dispense fuel and is covered by a canopy or other type of roof or enclosure, shall drain into an approved oil trap and then into the sanitary sewer. Roof leaders and drainage shall not be introduced into the sanitary sewer. Alternatively, the owner may contain all runoff within the fuel dispensing area so that it is not drained off to a watercourse. The owner shall be responsible for the removal and disposal of any runoff that is contained in such a manner. The fuel dispensing area shall be graded so as to prevent any runoff to surrounding areas that drain into a storm drain. Runoff from canopies of gas stations and from fuel dispensing areas not in a building or covered by a canopy shall be drained according to all Local, State and Federal rules and regulations.
4. Any person seeking to construct, repair, or modify public sewers and sewer laterals, private sewer laterals, and service connections, may be required by the Town to prepare and implement an Erosion and Sedimentation Control Plan to prevent the introduction of sediments into the Town sewers and storm drains. The design of any facilities required pursuant to this section shall be subject to the approval of the Town and the design, installation, and maintenance of such facilities shall be at the facility owner's expense. The Town shall have the right to inspect such facilities in accordance with these regulations.
5. Pipe and fittings to be used for sanitary sewer mains shall either be ductile iron or PVC pipe, eight (8) inches or more in diameter. Ductile iron pipe shall be minimum class 52 conforming to ANSI Standards A21.50 and A21.51. PVC pipe shall conform to ASTM Standards D 1784 and D 3034-SDR 35. Standard length of sewer service connection pipes shall be thirteen (13) feet. Sewer service or lateral connections shall be a minimum of four (4) inches or more in diameter.

6. Manholes shall be comprised of precast concrete sections conforming to ASTM C478. The wall thickness of precast sections shall be minimum of 5-inch, 6-inch, 7-inch and 8-inch for 48-inch, 60-inch, 72-inch and 84-inch manhole diameters respectively. All cement shall be Type II portland cement and the minimum compressive strength of the concrete shall be 4,000 psi at 28 days. Circumferential steel reinforcement in walls and bases shall be a minimum of 0.12 sq. in./lin. ft. for 4-foot diameter sections and 0.15 sq. in./lin. ft. for 5- and 6-foot diameter sections. Reinforcing shall extend into the tongue and groove. Conical reducing sections shall have a wall thickness not less than 5-inches at the bottom and wall thickness of 8-inches at the top. Conical sections shall taper from a minimum of 48-inches diameter to 24 or 30-inches diameter at the top. Slab top sections and flat riser sections (Grade Rings) shall meet or exceed an H-20 Loading requirement. Precast sections shall be manufactured to contain wall openings of the minimum size to receive the ends of the pipes set accurately to conform to the line and grade of the sewer. Cutting or tampering existing manholes, for the purpose of creating new openings or altering existing openings, shall not be permitted without written approval. The exterior surfaces of all manholes shall be given a minimum of one shop coat of bituminous damp-proofing.
7. Manhole inverts shall be formed of brick and mortar. Bricks shall comply with ASTM C32, for Grade SS, hard brick, except that the mean of five tests for absorption shall not exceed 8 percent by weight. Mortar shall be composed of portland cement, hydrated lime, and sand in which the volume of sand shall not exceed three times the sum of the volumes of cement and lime. Cement shall be Type II portland cement. Hydrated lime shall be Type S conforming to ASTM C207. Sand shall comply with ASTM C144 specifications for "Fine Aggregate," except that all of the sand shall pass a No. 8 sieve.
8. Manhole frames, covers and step castings shall be of good quality, strong, tough, even-grained cast iron, smooth, free from scale, lumps, blisters, sandholes, and defects. Contact surfaces of covers and frame seats shall be machined. Castings shall be ASTM A48 Class 30B or better. The surface of the manhole cover shall have a diamond pattern with the cast words "SEWER". No air vents shall be permitted in the cover. Manholes shall have frames and covers shall be as approved by the Town.
9. Manhole steps shall conform to ASTM C478 requirements and shall be fabricated of either extruded aluminum or steel reinforced plastic. Steps shall be uniformly spaced at a maximum of 12-inches unless otherwise approved in writing.
10. Manhole gasket materials shall be top grade (100% solids, vulcanized) butyl rubber and shall meet or exceed AASHTO M-198. Couplings at the manhole-pipe interface shall be made with a rubber seal system meeting the requirements of ASTM C923.
11. Internal sewer drop connections to existing or proposed manholes shall not be permitted unless prior written approval is obtained from the Town.

12. In general, sewer lines shall not be allowed to have more than two (2) angle points, or a total angular deviation of one hundred eighty (180) degrees, unless granted variance by the Town. Cleanouts, hand-holes, or manholes for sewer services shall be installed at one hundred (100) foot intervals as approved by the Town or its authorized agent. Cleanouts along the service connection shall be as close as practicality makes possible to the property line.
13. All services shall be laid in an envelope of crushed stone with no less than six (6) inches of said material all around the barrel of the pipe. Three-quarter ($\frac{3}{4}$ ") inch crushed stone shall satisfy the requirements listed in MHD Specification Section M2.01.
14. All service lateral pipe and fittings shall be laid to a minimum slope of one-fourth ($\frac{1}{4}$) inch per foot (2%).
15. Line and grade of the pipe and fittings shall be controlled by the use of batter boards and string lines set for this purpose, or by laser. Batters shall not exceed a distance of thirty (30) feet apart unless otherwise directed by the Town. Batter boards are to be set by the contractor.
16. Trenches shall be excavated from the common sewer or from the end of the existing sewer service whichever is applicable, to the point of connection with the building plumbing outlet.
17. Where practical, when the common sewer is sufficiently deep, service connections shall be laid directly, without horizontal or vertical deflections, from the building drain to the connection at the common sewer.
18. Tunneling shall not be allowed unless specifically requested in the permit application and noted on the permit.
19. Connections made to the building plumbing system shall be upstream of any septic tanks or cesspools. Upon connection of the building plumbing system to the common sewers, existing septic tanks and cesspools shall be removed or completely filled with suitable material, to the satisfaction of the Board of Health.
20. Connections shall not be cut into sanitary sewers without permission. All pipe and fittings shall be inspected prior to any backfilling. Pipe joint connections shall be watertight. Design, installation, and/or construction of all low-pressure sewer systems shall be at the direction and approval of the Town. Design, installation, and/or construction of low-pressure sewer systems shall be in accordance with current municipal design standards.

21. Drainlayers shall be responsible for all defects in materials and workmanship for the maximum time period allowed by law, and for at least a minimum period of one (1) year following the completion of sewer installation.
22. When ledge is encountered in the excavations, a permit must be obtained from the Town for the use of explosives. All blasting shall be done in accordance with all applicable Local, State and Federal codes and regulations and any other requirements as imposed by the Town fire department. Only persons licensed in the Commonwealth of Massachusetts by the Department of Public Safety for this purpose shall do all blasting.
23. The entire section of sewer shall have a satisfactory water-tightness. Should the Town determine that the section(s) inspected are unsatisfactory, the section of sewer shall be repaired of all defects and re-inspected at the installer's expense. A plan of the method for repairing any defects that are found shall be submitted to the Town for review and approval prior to any work being performed.
24. All excavations and obstructions shall be adequately barricaded and lighted at all times to protect the public from harm and shall conform to the requirements of 520 CMR 14.00 where applicable.
25. Trenches shall be backfilled and compacted, and the street surfaces repaired in accordance with requirements of the Town.
26. Power shovels, bulldozers, loaders, trucks, and other equipment shall not be operated on or across sidewalks, berms, curbing, etc., until they have been properly protected from damage by planking or other approved means. All resulting damage shall be repaired to the satisfaction of the Town at no additional cost to the Town.
27. When making a sewer connection in a State Highway, the necessary permit from Mass Highway shall be obtained prior to the issuance of a sewer connection permit by the Town. All work shall be done in accordance with the requirements set forth in the permit from Mass Highway. Any costs in connection therewith shall be borne by the applicant.
28. Pursuant to the Town of Hardwick Highway Department, prior approval must be obtained from the Highway Surveyor for any work in a public way.

Section H

Use of Public Sewers

1. All applicable State and Federal laws required by the Clean Water Act of 1977 and all amendments thereto shall be fully incorporated and made enforceable by reference in these regulations.
2. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, and industrial wastewater including uncontaminated cooling water, to any sanitary sewer. .
3. Stormwater 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 Town. Industrial non-contact cooling water or unpolluted process waters may be discharged, upon approval of the Town, to a storm sewer, combined sewer, or natural outlet, subject to the approval, if required, by the Massachusetts Department of Environmental Protection.
4. No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference at the Wastewater Treatment Facilities. These general prohibitions apply to all sewer system users whether or not they are subject to industrial pretreatment or categorical pretreatment standards or any other National, State, or local standards or requirements.

(a) Prohibited Discharges

No person shall discharge or deposit, or cause or allow to be discharged or deposited into the public sewer system any wastewater which contains the following substances, elements or properties:

- i. Explosive Mixtures Liquids, solids, or gases which by reason of their nature of quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of that system and meets a closed cup flashpoint of less than 140°F, (60°C) using the test methods specified in 40 CFR 261.21.
- ii. Radioactive Wastes Radioactive wastes or isotopes of such half-life or concentration that will or may cause damage or hazards to the Wastewater Treatment System of personnel operating the system.
- iii. Toxic Substances Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United State Environmental Protection Agency pursuant to Section 307 of the Act, and chemical elements or compounds, or other taste or odor producing

substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system.

- iv. Pass Through Any discharge, which alone or in conjunction with a discharge or discharges from others sources, causes a violation of any requirement of the Wastewater Treatment Facility NPDES permit, including an increase in the magnitude or duration of a violation.
- v. Heat Wastewater having a temperature in excess of 104°F (40°C).

(b) Limited Wastewater Discharges

No person shall discharge or cause or allow to be discharged or deposited into the public sewer system any wastewater which contains the following substances, elements or properties:

- i. Oils and Grease Oil and grease and petroleum/non biodegradable cutting/mineral oils in amounts which cause interference or pass through.
- ii. Toxic Gases/Vapors/Fumes Noxious malodorous solids, liquids or gases, and toxic gases, vapors, and fumes which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- iii. Solid or Viscous Wastes Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. The classification of materials in this category shall include, but are not limited to grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste, paper, wood, plastic, tar asphalt residues from refining or processing of fuel, or lubricating oil, and any type of sludge from holding or storage tanks located on the premises. There shall be a presumption that any material in the foregoing classification does obstruct or interfere with the proper operation of the wastewater treatment system.
- iv. Flow Rate/Concentration Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that can cause interference.

- v. Unpolluted Waters Any unpolluted water including, but not limited to, water from cooling systems which will unreasonably increase the hydraulic load on the treatment system.
- vi. Discolored Material Wastes with objectionable color not removable by the treatment process.
- vii. Corrosive Wastes Any wastes, which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of 6.2 to 9.0 standard units.
- viii. Trucked/Hauled Waste Any wastes trucked or hauled except at discharge points designated by the Superintendent in accordance with Item 10 of this Section.

(c) Maximum Concentration of Pollutants

The maximum concentration of pollutants allowable in wastewater discharges to the wastewater collection system shall be in accordance with the existing Federal (including 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N), and State and Local guidelines and standards. In the event of a conflict between said standards and guidelines, the most restrictive shall apply. In the event of a change in federal guidelines and standards, the amended or modified version shall be applied.

(d) Special Agreements

Nothing in this section shall be construed as preventing any special agreement or arrangement between the Town and any user of the wastewater collection system whereby wastewater of unusual strength or character is accepted into the system subject to any payments or user charges as may be required by the Town. Any such agreement(s) shall be in writing and, in no case shall such agreement(s) result in a violation of Federal, State or Local pretreatment requirements.

5. 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 stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred four (104) °F (40° C);
- (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) °F (0 and 65°C);
- (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 review and approval of the Town;
- (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 heavy metals, EPA priority pollutants and/or similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement;
- (f) Any waters or wastes containing phenols, or other taste or odor producing substances;
- (g) Any radioactive wastes or isotopes of such half-life;
- (h) Any waters or wastes having a pH in excess of 9.0;
- (i) Materials which exert or cause:
 - i. 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).
 - 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 of flow or concentration of wastes constituting "slugs" as defined herein.

- v. Waters or wastes 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 the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
6. 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 Items 3, 4 or 5 of this Section, and which in the judgment of the Town 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 Town may:
 - (a) Reject the wastes;
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers as outlined in the Industrial Sewer Use Regulations;
 - (c) Require control over the quantities and rates of discharge;
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of Item 10 of this Section;
 - (e) Seek administrative, civil, and/or criminal remedies, including, but not limited to, penalties;
 - (f) If the Town permits the pretreatment or equalization of waste flows, the design and installation of the facilities and equipment shall be subject to the review and approval of the Town, and subject to and comply with any applicable code, regulation, and/or law.
7. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town, 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 of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
8. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, the owner at his expense shall maintain them continuously in satisfactory and effective operation.

9. The Town may, when conditions at the wastewater treatment facilities permit, authorize the dumping of leachate and septic tank and cesspool wastes at the wastewater treatment facility. Waste haulers are subject to all Domestic and Industrial Sewer Use Regulations, and are further subject to the following conditions:
- (a) A permit to deposit leachate and septic tank and cesspool wastewater at the wastewater treatment facilities must be obtained from the Town;
 - (b) The pumping contractor, upon granting of the permit, agrees to pay the Town the cost per gallon fee determined by the Town and must comply with the following regulations:
 - i. Only septic tank and cesspool pumpings collected within the Town shall be disposed of at the wastewater treatment facility.
 - ii. A signed slip by the property owner from whom the septic tank or cesspool wastes were removed, shall be provided.
 - iii. No grease, oil, gasoline, explosive fluids, acids, process wastes, or garbage shall be dumped.
 - iv. Discharge shall be controlled by a valve and approved tank outlet connection. Pumpings shall be diluted to the extent prescribed by the Town.
 - v. All septic tank and cesspool pumpings shall have a pH in the range of 6.5 to 8.5.
 - vi. Any drippings shall be cleaned up and washed away, by the hauler, as required to maintain a sanitary condition.

- vii. A representative sample shall be collected and provided to the wastewater treatment facility operations staff for testing prior to any waste being accepted. If testing indicates pH and/or concentrations exceeding typical values, or a violation of these regulations, the waste may be refused or appropriate surcharge fees may be levied.

(c) Failure to observe these regulations will result in revocation of the permit.

Section I

Protection from Damage

No 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. The Town shall seek criminal and civil enforcement, including immediate arrest and prosecution, to the fullest extent permitted by law, against any person violating this provision.

Section J

Powers and Authority of Inspectors

1. To the fullest extent permitted by law, any Town employee and/or duly authorized representatives of the Town bearing proper credentials and identification may enter all properties (both public and private) for the purposes of inspection, observation, measurement, sampling, testing, and investigations to the degree necessary to permit the evaluation of the user's compliance with these regulations in accordance with the provisions of these regulations. Owner and/or owner's representative(s) shall grant access in a timely manner upon request.
2. Any Town employee and/or duly authorized representatives of the Town bearing proper credentials and identification shall have the right to enter all private properties on which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the 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.
3. Any Town employee and/or duly authorized representatives of the Town having been refused access to a building, structure, or property, or any part thereof, may seek an administrative search warrant to obtain such access to protect the public health, safety and welfare of the community

Section K

Penalties and Enforcement

1. Any of the below remedies may be employed alone or in combination with any other available remedy.
2. Cease and Desist Order: Any person found to be violating any provision of these regulations may 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. Prior to the issuance of a written notice, if the Town deems a violation as causing immediate and imminent endangerment to persons or the treatment facilities, the Town may verbally notify the violator to immediately and effectively halt or prevent any discharge to the system. Any orders issued verbally shall be memorialized in a written order within a reasonable time thereafter.
3. Any person who violates any provision of these regulations or who fails to comply with a Cease and Desist Order, may be assessed a civil penalty of up to \$300.00 per day of violation pursuant to G.L. c.40, §21D. Each day in which any such violation shall continue shall be deemed a separate violation.
4. Any person violating any of the provisions of a regulation enacted under the authority of G.L. c.83, §10 shall be subject to a civil penalty up to \$5,000.00 for each violation, as provided by G.L. c.83, §10. Each day a violation shall continue shall be deemed a separate offense.
5. The Town may seek equitable relief to enjoin any violation of these regulations.
6. Any person violating the provisions of these regulations shall become liable to the Town for any expense, loss, or damage incurred by the Town by reasons of such violation, including but not limited to any fines, charges, or assessments made or imposed on the Town by federal, state, or local agency including reasonable attorney's fees, court costs and all other expenses incurred as a result of such enforcement.
7. Violations may result in the revocation of Town licenses or permits.
8. Criminal Prosecution: The Town may apply for a criminal complaint to issue under any applicable governing State or Federal law or regulation.
9. All expenses for user testing and monitoring to assure compliance with these regulations or any orders issued hereunder shall be at the sole expense of the user.

10. Pursuant to G.L. c.83, s16A *et seq.*, unpaid sewer use charges, service charges, fees, shall constitute a lien upon the property for which such charges or fees are assessed. Notwithstanding such lien, any overdue sewer use charge or service charge may be collected through any legal means.
11. It shall be a violation of these regulations to knowingly make false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to these regulations, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this ordinance,. Any such violation shall be deemed proper grounds for the revocation of any permit issued in reliance upon such information and such action may be subject to criminal and/or civil enforcement.

Section L

Sewer Line Breaks and Blockages

1. Sewer lines located on private property shall be kept clean and free of breaks and blockages. It is the sole responsibility of the private owner to hire and pay for sewer line cleaning on private property. It is recommended that private sewer lines be cleaned every one to five years.
2. Blockages occurring in sewer lines between a house and edge of road shall be the sole responsibility of the private land owner.
3. If it is determined that there is a break in the sewer line on private property and the private land owner procures the services of a sewer line cleaner and it is the opinion of the sewer line cleaner that the problem lies within the Town owned portion of the sewer, the owner shall notify the Town in writing.
4. The Town will evaluate the problem area. If the problem is found to be in the Town portion of the sewer it will be fixed at the expense of the Town. If the problem is found to be on the private landowner's property, all costs associated with the repair shall be the sole responsibility of the private landowner, including costs incurred by the Town to investigate the source of the problem.

Section M

Sewer Assessment Policy

1. The Board of Sewer Commissioners, may assess a betterment upon the owners of land abutting a public sewer main installed by the Town by a rate based upon the uniform unit method. Sewer Assessments shall be determined utilizing the total number of existing residential sewer units to be served, and/or the residential equivalent of commercial, industrial or semi-public uses and shall be levied as betterment assessments, or alternatively, sewer privilege fees as described herein. The authority of the Town to assess betterments, as well as the permitted methodologies for doing so, are described in MGL Ch. 80. All residential equivalent calculations for betterments shall be determined by an engineering analysis and rounded up to the nearest whole number.
2. General Sewer Assessments
 - (a) Properties abutting a sewer street may be assessed by a rate proportional to the total number of existing or potential sewer units to be served at the time of the assessment. Said rate shall be determined by user class and shall apply to all lands developed or undeveloped abutting a sewer street. The total assessments shall not exceed 100% of the total sewer project cost which shall include total costs of engineering, survey, design, construction, land acquisition, construction

engineering services, legal services, and all related contingencies, less all State and Federal aid received.

- (b) The Board of Sewer Commissioners may levy, by preparing an Order of Assessment, assessments against all properties abutting a sewer street after completion of the pertinent construction and of the subject portion of the sewer system (approved by the Board of Sewer Commissioners) for its intended use. In the Order of Assessment, the Board of Sewer Commissioners shall designate the owner of each parcel as of the preceding January first, as liable to assessment as stated under the provisions of the Massachusetts General Laws.

3. Time of Sewer Assessment

- (a) Betterments – The number of existing sewer units shall be determined by an engineering analysis for each Town sewer construction project. The time of assessment for properties abutting the sewer street 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 (lateral sewers) 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 Board of Sewer Commissioners to establish an earlier date of assessment.
- (b) Sewer Privilege Fees – For those properties not abutting the sewer line at the time of construction, but tying into the system at a future date, the time of assessment shall be the date upon which that property connects into the sewer system. The sewer privilege fee shall be equal to the original assessed betterment fee plus compounded interest for the length of the construction loan. The sewer privilege fee does not include other sewer connection fees as outlined in Section F – Building Sewers and Connections.
- (c) For those properties serviced by the sewer system but subdivided at a future date, the time of assessment for the unsewered subdivision shall be the date upon which those subdivisions connect to the sewer system. The assessment fee shall be per equivalent dwelling unit for the subdivision and shall be equal to the original assessed betterment fee plus compounded interest for the length of the construction loan. The assessment fee does not include other sewer connection fees as outlined in Section F – Building Sewers and Connections.

4. General Sewer Unit Designation

Sewer units shall be determined based upon the user class of those properties to be assessed betterments. Said classes shall include residential and non-residential. The non-residential class shall include commercial, industrial, municipal and any or all other non-residential properties. Sewer units shall be determined based upon the residential equivalent of such commercial, industrial, municipal, or other non-residential class, as provided herein.

5. Sewer Unit Determinations

Properties receiving direct benefit from the public sewer system shall be designated a number of equivalent dwelling units in accordance with the following:

(a) Residential - Developed:

- i. Single-family dwellings shall equal one equivalent dwelling unit.
- ii. Multiple family dwellings (more than one dwelling unit) shall comprise a number of equivalent dwelling units based upon the following methodology:
 1. Rental properties (apartments) shall be assessed one equivalent dwelling unit for each apartment.
 2. Condominium complexes shall be assessed one equivalent dwelling unit for each unit.

(b) Non-Residential – Developed with Town water:

- i. Non-residential property shall include all industrial, commercial, and municipal properties.
- ii. Non-residential buildings which are metered for water use shall comprise a number of equivalent dwelling units based upon the average water consumption for a 12 month period.

Number of Equivalent dwelling units = Quarterly water usage in cubic ft / 1100. (All decimals shall be rounded up to the next highest whole number)

- iii. All calculated equivalent dwelling units shall be rounded up to the next whole number equivalent dwelling units.

(c) Non-Residential – Developed without Town water:

- i. Non-residential buildings not metered for water use shall comprise a number of equivalent dwelling units based upon the number of employees where every 10 employees is equal to one equivalent dwelling unit.
- ii. All calculated equivalent dwelling units shall be rounded up to the next whole number equivalent dwelling units.

(d) Residential – Undeveloped:

- i. Undeveloped lots shall not be assessed sewer privilege fees. Future use of the land shall govern the assessment of sewer privilege fees as outlined in this Section.
- ii. Future subdivisions shall be subject to the assessment of sewer privilege fees as outlined in this Section.
- iii. All calculated equivalent dwelling units shall be rounded up to the next whole number equivalent dwelling units.

(e) Non-Residential – Undeveloped:

Undeveloped lots shall not be assessed sewer privilege fees. Future use of the land shall govern the assessment of sewer privilege fees as outlined in this Section.

6. General Betterment Payment

The provisions of Massachusetts General Laws relative to the assessment, apportionment, division, reassessment, abatement, and collection of sewer assessments, liens therefore, and interest thereon shall apply to assessments made under this bylaw, and the Board of Assessors and Treasurer/Collector of the Town shall have all of the powers conveyed by Massachusetts General Laws relative to such assessments.

(a) Lump Sum Betterments

The lump sum betterment payment for an assessed property shall be based upon the total number of equivalent dwelling units designated for said property at the time of assessment. Said number of equivalent dwelling units shall be determined as described herein. Lump sum betterments shall be payable upon connection to the completed sewer.

(b) Apportionment of Betterment Payment

Property owners shall have the option to apportion betterment payments in accordance with MGL Ch. 80, § 13. The interest rate charged by the Town shall be the rate being charged to the Town for the sewer construction project bond, plus any interest required by Massachusetts General Laws.

7. Private Sewer Extension

If a developer or a person other than the Town, or a duly authorized representative of the Town, constructs a sewer extension to the public sewer system, the Town shall

assess a sewer privilege fee in lieu of betterment assessment with respect to each sewer unit to be served by said sewer extension. The sewer privilege fee shall be per equivalent residential unit as outlined in this Section. Sewer privilege fees shall be levied at the time of connection to the public sewer system. Sewer privilege fees shall be paid as one lump sum at the time of connection.

8. Private Sewer Extension Connection Fees

The developer and/or property owners connecting to a private sewer extension shall bear the burden of all costs, including costs of engineering and legal services, related to the following:

- (a) The Town reserves the right, at the sole discretion of the Town, to require the review of design plans and specifications for the private sewer extensions to be accepted, as part of the public sewer system be reviewed by a Registered Professional Engineer selected by the Town. All design plans submitted for review shall be 100% complete and shall be live stamped by a Registered Professional Engineer in the Commonwealth of Massachusetts.
- (b) Inspection fees related to the installation of the private sewer extension tying into the public sewer system.
- (c) Sewer connection fees as outlined in Section F – Building Sewers and Connections.
- (d) Installation inspection fees performed by an inspector for the Town.
- (e) Private costs associated with the design and construction of a private sewer extension shall not be considered with respect to the sewer privilege fee. Payments or method of payment related to these costs shall not be reflected within the sewer privilege fee.

9. Public Sewers in Unaccepted Ways

If a property abuts a private or unaccepted way within which a public sewer has been installed, or if a property lies within one hundred (100) feet of a public sewer within a private or unaccepted way, the Town shall assess a sewer privilege fee in lieu of betterment assessment against said property. The sewer privilege fee shall be equivalent to the betterment assessment for said property as determined by the procedures outlined in this Section. The sewer privilege fee shall be levied at the time of connection to the public sewer. All provisions governing the payment and method of payment related to betterment assessments as described in this Section shall apply.

10. Abatement and Deferrals

Property owners must file grievances and requests for abatements in accordance with MGL Ch. 80, § 5. The sewer commission upon receipt of grievances and requests for abatements shall have up to four (4) months to act on the request. The sewer commission shall notify the owner within ten (10) days of making their decision whether the request was granted or denied.

The following deferrals may be granted

- (a) A Deferral of betterment principal and interest may be granted to eligible property owners who are receiving deferral of their property taxes. The sewer betterment assessment shall be postponed until property ownership is transferred, at which time, the original principal, plus interest, shall be due and payable in full.
- (b) A Deferral of betterment principal and interest for vacant, undeveloped property may be granted to eligible property owners. The property owner shall pay a 4% interest charge annually (on the sewer betterment assessment) and pay the sewer betterment assessment principal, in full, within 3 months after the commencement of construction upon the lot.

Section N

Validity

1. If any section, subsection, sentence, word, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of these regulations.
2. These regulations shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.
3. Any rule or regulation adopted by the Regional Wastewater Treatment Facility or Control Authority as it pertains to wastewater shall also be strictly adhered to regardless if it is included in these regulations. However, in the event that these regulations are more strict than the Regional Wastewater Treatment Facility or Control Authority these regulations shall govern.

Passed and approved by the Board of Sewer Commissioners of the Town of Hardwick, Massachusetts, on the ____ day of _____, 2010.