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Chapter 181

Sewers

[HISTORY: Adopted by the Town Council of the Town of Windham 9-9-1986 (Ch. 195 of the 1991 Code). Amendments noted where applicable.]

Article I

General Provisions

§ 181-1 Scope.

The provisions of this chapter shall apply to and govern sanitary facilities, sewers and wastewater treatment; the excavation, construction, installation, usage, maintenance, extension, alteration, repair or removal of any building sewer, building drain or sanitary sewer system; the connection of building sewers to sanitary sewer systems; the type of wastewaters prohibited from public sewers and storm drainage systems; permitted and prohibited concentrations and strengths of wastewater; and situations in which use of a private sewage disposal system is permissible.

§ 181-2 Intent and purpose.

- A. It shall be the intent and purpose of this chapter to reduce, to the extent practicable, existing pollution and to prevent further pollution caused by inadequate wastewater disposal and to accomplish the necessary local legislation to meet the requirements of the State of Maine and the federal government. All this is a furtherance of the health, welfare, comfort and convenience of the inhabitants of the Town.
- B. Whereas the Portland Water District has been designated by state legislative action and local public referendum as the regional agency responsible for wastewater treatment, none of the provisions of this chapter shall be construed to repeal or otherwise interfere with the rights, duties and/or powers granted to the Portland Water District pursuant to Chapter 433 of the Private and Special Laws of the State of Maine of 1907, as amended.

§ 181-3 Enforcing officer.

The Superintendent of Sewers, as appointed by the Town Manager, shall administer and enforce the provisions of this chapter.

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§ 181-4 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 part of the wastewater facilities. Any person(s) violating this provision may be subject to arrest under the charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, § 806.

Article II

Definitions

All words not defined herein shall have their normal meaning or such meaning as may be in common use in the field of sanitation and wastewater treatment. "Shall" is mandatory; "may" is permissive. For the purposes of this article, the following terms shall have the meanings indicated.

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§ 181-5 Definitions and word usage.

A. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

ACT

The Federal Water Pollution Control Act, also known as the “Clean Water Act,” as amended, 33 U.S.C. § 1251 et. seq., 86 Stat 816, Pub L 92-500 and the regulations promulgated thereunder, as amended from time to time.

APPLICANT

Applicant shall mean any person requesting approval to discharge industrial or domestic wastewaters into facilities in the Windham Wastewater System.

APPROVAL AUTHORITY

State of Maine Department of Environmental Protection.

BEST MANAGEMENT PRACTICES or BMPS

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING

A structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure or support of persons, animals or property of any kind.

BUILDING DRAIN

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. The building drain extends ten (10) feet outside the inner face of the building wall.

BUILDING SEWER

The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

BUY-IN FEES

Charges assessed to customers requesting new or expanded service by the Town sewer system. The fees represent the equity value to the Customer resulting from the new connection to and/or expanded service from the Town's sewer system.

BYPASS

The intentional diversion of waste streams from any portion of a pretreatment system, sewer, or wastewater treatment facility.

CATEGORICAL INDUSTRIAL USER

An industrial user subject to National Categorical Pretreatment Standards.

CATEGORICAL STANDARDS

Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section

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307(b) and (c) of the Act (33 U.S.C. §1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 to 471.

CHEMICAL OXYGEN DEMAND (COD)

The quantity of oxygen utilized in the chemical oxidation of matter under standard laboratory procedure, expressed in milligrams per liter.

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CLEAN WATER ACT

The Federal Clean Water Act, 33 U.S.C. §§1251 to 1387, as amended.

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COMBINED SEWER

A sewer intended to receive both wastewater and storm or surface water.

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COLLECTOR SEWER

A sewer which transmits wastewater from one or more individual service lines to a trunk or interceptor sewer and has no other common sewers tributary to it.

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COMMERCIAL PROPERTY

Premises used for financial gain, including but not limited to businesses, restaurants, shops, bed and breakfasts, motels, hotels, retail shopping malls, professional offices, hospitals, residential property used for short-term rentals, and any other business of similar use. Properties meeting the definition of "Residential Property" or "Multi-Family Residential Property" shall not be considered "Commercial Property."

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CONTROL AUTHORITY

Refers to the Town of Windham or Portland Water District.

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COOLING WATER

The water discharged from cooling devices, such as air-conditioning, cooling, or refrigeration.

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CUSTOMER

Any person, firm corporation, body politic, or organization of any type supplied with water or sewer service by Town/Portland Water District.

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DAILY MAXIMUM LIMIT

The arithmetic average of all effluent samples for a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

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DEP

The Maine Department of Environmental Protection.

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DOMESTIC SOURCE

Any residence, building, structure, facility, or installation from which only sanitary sewage will normally be discharged to the facility.

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DOMESTIC WASTES

Liquid wastes and liquid-borne wastes discharged from sanitary conveniences, such as toilets, washrooms, urinals, sinks, showers, drinking fountains, home laundry rooms, kitchens and floor drains, free of industrial wastes or toxic materials.

EASEMENT

An acquired legal right for the specific use of land owned by others.

EPA

The United States Environmental Protection Agency.

EXCESSIVE

Amounts or concentrations of a constituent of a wastewater which, in the judgment of the District, will cause damage to any sewerage facility, which will be harmful to a wastewater treatment process, which cannot be removed by the wastewater treatment works of the District required to meet the limiting discharge standards of the Wastewater Treatment Plants (facilities), which can otherwise endanger life, limb or public property, and/or which can constitute a nuisance.

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FACILITIES

All structures, pipes, and conduits for the purpose of collecting, treating, neutralizing, stabilizing, or disposing of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outflow and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and all other appurtenances connected therewith.

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FATS, OIL AND GREASE (FOG)

Material 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 FOG if it is properly pretreated, and the wastewater does not interfere with the collection system and wastewater facilities.

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FOOD ESTABLISHMENT

Any fixed or mobile restaurant; temporary or permanent food service establishment; coffee shop; cafeteria, bed and breakfast, short order café; luncheonette; grill; roadside stand; industrial feeding establishment; food vending operation, whether attended or unattended; private, public, or nonprofit organization or institution routinely serving food; catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

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FORCE MAIN

A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.

Deleted: Any sanitary sewer carrying wastewater under pressure as in a pump station discharge or inverted siphon.

FUME TOXICITY SCREENING LEVEL

The concentration of a pollutant in water which, under equilibrium or other conditions, a confined environment, or interaction with pollutants contained in permitted discharges, would cause the concentration of a pollutant in the air over the water to exceed an exposure limit.

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GARBAGE

The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

GREASE

The fats, oils, waxes, and other related constituents found in wastewater.

GREASE INTERCEPTOR

A device designed and installed so as to separate and retain for removal by automatic or manual means grease from normal wastes, while permitting normal sewage or wastes to discharge into the sewer system by gravity.

GRIT

Sand, gravel, cinders, or other heavy solid materials that have subsiding velocities or specific gravities substantially greater than those of the organic particle solids in wastewater. Grit also includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food or wastes.

HAULER

That person, firm, or corporation, licensed by the Town, who pumps, hauls, transports, or disposes of septage in accordance with the requirements of RSA 147:34.

HEARING BOARD

The Board appointed according to provisions of Article XI of these rules.

INDIRECT DISCHARGE OR DISCHARGE

The discharge or the introduction into the facility of pollutants from any source, other than a domestic source, regulated under Section 307(b), (c) or (d) of the Act.

INDUSTRIAL USER

A source of indirect discharge or any source which discharges industrial waste to the facility.

INDUSTRIAL WASTES

The wastewater from industrial processes, trade or business or any source other than those defined in "domestic wastes."

INTERCEPTOR

A sewer which serves to collect the flow from the sewage collection system.

INTERFERENCE

A discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the facility, its treatment processes or operations, or its sludge processes, use or disposal, and which is a cause of a violation of any requirement of the District's MEPDES Permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal by the facility in accordance with applicable federal, state, or local statutes and regulations or permits issued thereunder, as set forth in 40 CFR 403.3(i).

INVERT

The bottom inside of the sewer pipe or bottom of a manhole structure.

LOCAL LIMITS

Treatment limits established by the Town.

MEPDES

Maine Pollutant Discharge Elimination System or permit issued by the State of Maine for discharges from a wastewater treatment facility.

MG/L

Milligrams per liter.

MONTHLY AVERAGE

The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

MONTHLY AVERAGE LIMIT

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

MULTI-FAMILY RESIDENTIAL PROPERTY

Properties containing two or more dwelling units provided that none of the dwelling units or rooms therein are available for short-term rental. A Multi-Family Residential Property with a dwelling unit(s)

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or rooms available for short-term rental will be considered Commercial Property.

NAICS

The North American Industry Classification System. A system of sewers directly controlled by, or which is the responsibility of the municipality.

(NATIONAL) CATEGORICAL PRETREATMENT STANDARD

Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1317) that apply to a specific category of industrial users and which are found in the Code of Federal Regulations, 40 CFR, Subchapter N, Parts 405 to 471.

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NATURAL OUTLET

Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NEW SOURCE

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A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
4. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection A(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

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B. Construction of a new source as defined under this definition has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on-site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility.

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engineering, and design studies do not constitute a contractual obligation under this subsection.

NONCATEGORICAL SIGNIFICANT INDUSTRY

An industry which meets the definition of a significant industrial user but is not a categorical industry.

NONCONTACT COOLING WATER

Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NONSIGNIFICANT INDUSTRY

An industry which does not meet the definition of a significant industrial user but is permitted by the Town because it has a possibility of discharging incompatible pollutants in excess of local discharge limits or is required to have a spill control plan.

OFFICIAL NOTICE

Notice of change of address, violation, billing, or breach of any of these Rules and Regulations, and shall be deemed to have been given if sent by U.S. Mail at the address provided in the permit application.

OPERATION AND MAINTENANCE

Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing the treatment works and for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in Article I.

OTHER WASTE

Any waste delivered by truck that does not satisfy the definition of septage or holding tank wastes. Other wastes may include commercial wastes that include materials other than sanitary wastes.

OWNER

The owner of record according to the Town Tax Assessor's files.

PASS THROUGH

The discharge of pollutants through the facility into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON

Any individual, firm, company, state, association, society, profit or non-profit corporation, group, partnership, municipality, governmental facility or governmental subdivision of a state, or responsible corporate officer.

pH

The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of seven (7) and a hydrogen-ion concentration of 10^{-7} .

PHENOLIC COMPOUNDS

The following hydroxy derivatives of benzene: 2-chlorophenol; 2,4-dichlorophenol; 2,4-dimethylphenol; 4-6-dinitro-o-cresol; 2,4-dinitrophenol; 2-nitrophenol; 4-nitrophenol; p-chloro-m-cresol; and 2,4,6-trichlorophenol.

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POLLUTANT

Includes but is not limited to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discharged equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

POLLUTION

The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

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POTW PUBLICLY OWNED TREATMENT WORKS (FACILITY)

The treatment works operated by the District. This definition includes any devices and systems used in the storage, treatment, recycling, disposal, and reclamation of wastewater and sewage consisting of domestic, commercial, municipal, and industrial wastes of a liquid nature. It also includes those sewers, pipes, and other conveyances which convey wastewater to the facility. For the purposes of these rules and regulations, POTW shall also include any sewers that convey wastewaters to the treatment works from persons who are, by permit, contract, or agreement with the District, users of the facility.

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POTW TREATMENT PLANT

That portion of the facility designed to provide treatment (including recycling and reclamation) of wastewater, municipal sewage, industrial waste, septage and holding water.

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PORTLAND WATER DISTRICT or DISTRICT

The Portland Water District, Portland, Maine, and its elected and appointed officials acting in an authorized manner.

PRETREATMENT

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 the POTW facility. The reduction or alteration can be achieved by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR 403.6(d).

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PRETREATMENT REQUIREMENTS

Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard, imposed on a user by the District through its permit process as defined in these rules and regulations.

PRETREATMENT STANDARDS or STANDARDS

Prohibited discharge standards, categorical pretreatment standards, and local limits.

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PRIVATE WASTEWATER DISPOSAL SYSTEM

Nonpublic sewage disposal facilities as permitted under the Maine Subsurface Wastewater Disposal Rules, 10-144 CMR Ch. 241, or nonpublic wastewater facilities as licensed by the DEP.

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PROPERLY SHREDDED GARBAGE

The wastes from the handling, preparation, cooking and serving of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 10 millimeters (0.39 inch) in any dimension.

PUBLIC SEWER

A common sewer owned, operated and maintained by the Town or the Portland Water District.

READINESS-TO-SERVE FEE

An annual fee assessed to a property which abuts a public sewer having available to it a connection stub.

RECEIVING WATERS

Any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater, including percolating groundwater, receiving discharge of wastewaters.

REPLACEMENT

Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of treatment works to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL PROPERTY

Property containing a single dwelling unit occupied by the property owner and/or not available for short-term rental. A Residential Property available as a single unit or by room for short-term rental shall be considered a Commercial Property.

RESIDUALS MANAGEMENT PROGRAM

Structures, equipment, processes, operators associated with the collection, transportation, treatment or disposal of residues generated by the collection, transportation, treatment or processing of materials introduced to the sewers or treatment facility.

SANITARY SEWAGE

Liquid and water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of groundwater, stormwater and surface water and exclusive of industrial wastes.

SANITARY SEWER

A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface waters that are not admitted intentionally.

SCREENING LEVEL

That concentration of a pollutant which under baseline conditions would cause a threat to personnel exposed to the pollutant or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

SEPTAGE

The water, sludge, grit and all other solid and liquid substances collecting in septic tanks, cesspools and other similar devices.

SEPTIC TANK

A liquid-tight receptacle which receives raw sewage for storage and digestion, and which has been designed and constructed so as to retain the solids and to allow the liquids to discharge through a secondary system of piping into an approved form of subsurface disposal area.

SEPTIC TANK TRUCK

Any watertight vehicle which is used for the collection and hauling of septage as described above and which complies with the regulations of the District.

SERVICE AGREEMENT

A contract between the Town and any individual, firm, company, association, corporation, trust or government authority, partnership, public or private corporation or authority, association, trust, estate, governmental entity, agency or political subdivision of a municipality, the State of Maine, or the United

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States, or any other legal entity, or its legal representative, agent, or assign, for the handling and treatment from such party.

SEWAGE

The spent water of a community. The preferred term is "wastewater".

SEWER

A pipe or conduit that carries wastewater or drainage water.

SEWER USER

The person owning a building connected to or required to be connected to the public sewer.

SHORT-TERM RENTAL

An agreement, whether written or oral, to rent or lease a dwelling unit(s) or rooms therein for a term of less than 6 consecutive months to the same individual.

SIGNIFICANT INDUSTRIAL USER

A. Except as provided in Subsection B of this definition, a "significant industrial user" is:

1. An industrial user subject to categorical pretreatment standards;
2. An industrial user that:
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement.

B. Upon a finding that a user meeting the criteria in Subsection A(2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE

- A. Chronic violations of "wastewater discharge limits," defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement;
- B. "Technical review criteria (TRC) violations," defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period is equal to or exceeds the product of the numeric pretreatment standard or requirement limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement that the Town determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a

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discharge;

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of best management practices, which the Town determines will adversely affect the operation or implementation of the local pretreatment program.

SLUDGE (BIOSOLIDS)

Waste containing varying amounts of solid contaminants removed from water, sanitary sewage, wastewater or industrial wastes by physical, chemical and biological treatment.

SLUG

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 15 minutes, more than five times the average twenty-four-hour concentration or flow during normal operation and/or adversely affects the public sewer system and/or performance of the wastewater treatment works.

SOLIDS DISPOSAL OPERATIONS

The method or methods the Town employs to utilize or dispose of the by-product solids sludge resulting from the treatment of wastewater.

SPILL

The release, accidental or otherwise, of any material not normally released to the facilities, which by virtue of its volume, concentration or physical, chemical, radiological, or biological 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.

STAFF

The staff of the Town of Windham.

STORMWATER

Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS

The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering.

STORM DRAIN

A drain or sewer for conveying groundwater, surface water or unpolluted water from any source.

STORM WATER

Any flow occurring during or following any form of natural precipitation and resulting there from.

SUPERINTENDENT

The Superintendent of Sewers, as appointed by the Town Manager, or his duly authorized

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representative.

SUSPENDED SOLIDS (SS)

That 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, published by the American Public Health Association.

TOWN

The Town of Windham, Maine, and its elected and appointed officials acting in an authorized manner.

TOTAL TOXIC ORGANICS (TTO)

The sum of all Toxic Organics not otherwise prohibited or limited under applicable regulations.

TOXIC ORGANICS

All substances listed in Tables II and V of 40 CFR Part 122, Appendix D.

TOXIC POLLUTANT

Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307(a)(1) of the Act, or other statutes, regulations or ordinances.

UNPOLLUTED WATER

Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USEFUL LIFE

The estimated period during which the Wastewater Facilities of the District will be operated.

USER

Any person or entity who discharges wastewater or industrial wastewater into the sewerage system of the District and any person or entity located in the District.

USER CHARGE

That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works and or collection system, whether or not the user is connected to the public sewer.

WASTE

Substances in liquid, solid or gaseous form that can be carried in water.

WASTEWATER

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, business buildings, institutions and industrial establishments, together with such groundwater-, surface water and stormwater as may be present.

WASTEWATER FACILITIES

The pipes, structures, equipment and processes required to collect, pump, carry away and treat domestic and industrial wastes and to dispose of the effluent and by-products.

WASTEWATER TREATMENT WORKS

An arrangement of devices and structures for treating wastewater, industrial waste and sludge.

WATERCOURSE

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A natural or artificial channel for the passage of water, either continuously or intermittently.

WATER METER

A water volume measuring and recording device, furnished and/or installed by a user and approved by the American Water Works Association.

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Article III

Required Use of Public Sewer

§ 181-6 Unlawful disposal or discharge.

- A. It shall be unlawful for any person to place or deposit or permit to be placed or deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town any human or animal excrement, garbage or other objectionable waste. This is not intended to restrict the approved spreading of manure, fertilizers or sludge in farming or animal husbandry operations.
- B. It shall be unlawful to discharge to any natural outlet within the Town or in any area under the jurisdiction of said Town any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the requirements of the State of Maine.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

§ 181-7 Connection to public sewer required.

[Amended 4-13-2021]

- A. The owner of any building used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, excluding force mains, is hereby required, at the owner's expense, to connect any plumbing facilities directly with the public sewer in accordance with the provisions of this chapter within 120 days after the date of notice by the Superintendent to do so.
- B. The building owner may request, in writing to the Superintendent, deferral of this connection requirement on the basis of undue hardship if the building has an existing, properly operating, private wastewater disposal system, in which case the owner shall demonstrate the nature and degree of hardship. The need for the owner to pump to the public sewer shall not alone be considered a hardship.
- C. If the building owner can prove, to the satisfaction of the Superintendent, that a suitable private wastewater disposal system is currently in use, the owner shall be exempt from connection for three (3) years to the public sewer but shall be assessed a readiness-to-serve fee. At the end of three (3) years the owner shall connect.
- D. During construction of a public sewer, owners of unimproved lots and land abutting such sewer have the option of having a service stub brought to the edge of the roadway at Town expense, except as provided in Article IX, in which case the property owner will be assessed the readiness-to-serve fee.
- E. The Town shall maintain a map depicting locations where public sanitary sewer is anticipated to be constructed within a five-year period ("sewer expansion areas"). Upon notification from the Superintendent that sewer service is available in any sewer expansion area, all existing commercial and multifamily structures in the sewer expansion area shall connect to the public sewer as set forth in Subsection A. Existing single-family residences in designated sewer expansion areas may, at the owner's election and expense, connect to the sewer, but shall not be required to do so except when an

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existing subsurface system requires replacement or expansion, or the residence is being expanded to include the addition of one or more bedrooms or an accessory dwelling unit. Connection under this subsection may be waived by the Superintendent only if the building is more than 2,000 feet from the sewer line or if connection would pose an undue hardship due to the building's location or other site features.

- F. Any new building to be located within a sewer expansion area shall, at the owner's expense and as a condition of any building permit or plumbing permit, install a service pipe for the eventual connection of the building to the anticipated location of the sewer line within the public way. Installation of the service pipe will not be required if the Superintendent states, in writing, that such an installation is not advisable at the time of building construction. Any building plan, subdivision plan or site plan submitted for building(s) to be located in a sewer expansion area shall include on the plan the location of any service pipe to be installed in accordance with this section. Subdivisions shall further comply with the provisions of § 181-45. **Notwithstanding 1 M.R.S.A. § 302, this section shall be applicable to any proposed building, site plan or subdivision for which no building permit(s) has been issued as of April 13, 2021.

Article IV Private Wastewater Disposal Systems

§ 181-8 Public sewer not available.

Where a public sanitary sewer is not available under the provisions of § 181-7, the building shall be connected to a private wastewater disposal system complying with the provisions of this article and the Maine Subsurface Wastewater Disposal Rules, 10-144 CMR Ch. 241, or to nonpublic wastewater facilities licensed by the DEP.

- A. Disposal of septage at the publicly owned treatment works shall be performed only by haulers who have obtained a permit to haul pursuant to Env-Ws 803.03.
- B. Such hauler may discharge septage to the facility provided at the Windham Wastewater Treatment Plant only after the billing information has been established with the District Office and after providing documentation that the septage to be disposed of originated from one of the locations approved by the Town of Windham.
- C. Septic tank wastes will only be guaranteed acceptance from any towns or cities not hereby listed on a first come, first serve basis providing adequate capacity is available at the publicly owned treatment works.
- D. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

§ 181-9 Permit required.

- A. Before commencement of construction of a private wastewater disposal system or nonpublic wastewater facilities licensed by the DEP, the owner shall first obtain a written permit signed by the Plumbing Inspector. The application for a subsurface wastewater disposal permit shall be made on a form furnished by the Division of Environmental and Community Health, Maine Department of Health and Human Services, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the Plumbing Inspector. A permit and inspection fee as established by the Town Council shall be paid to the Code Enforcement Officer at the time the application is filed. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector and Wastewater Treatment Facility Superintendent. The Plumbing Inspector shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Plumbing Inspector when the

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work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Plumbing Inspector.

§ 181-10 Compliance with state regulations.

The type, capacities, location and layout of a private wastewater disposal system shall comply with the Maine Subsurface Wastewater Disposal Rules, 10-144 CMR Ch. 241, and the Minimum Lot Size Law, Maine Revised Statutes Annotated, Title 12, Chapter 423-A, or as approved and licensed by the DEP, as may be amended. No private wastewater disposal system shall be permitted to discharge to any natural outlet unless approved and licensed by the DEP.

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§ 181-11 Procedure upon connection to public sewer.

At such time as a building with an existing private wastewater disposal system is connected to the public sewer as provided in § 181-7, any septic tanks, cesspools and similar private wastewater disposal facilities shall no longer be used and shall be cleaned of sludge and filled with clean bank-run gravel or completely removed within 120 days from connection.

§ 181-12 Private system operation.

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. The contents from private wastewater disposal systems shall not be discharged to the public sewer.

§ 181-13 Imposition of additional requirements.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Town's Health Officer or Code Enforcement Officer.

Article V Building Sewers and Connections

§ 181-14 Permit required.

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least 45 days prior to the proposed change or connection. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. There shall be two classes of building sewer permits: for residential and commercial service and 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 Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for both residential and industrial services as established by the Town Council for the appropriate class shall be paid to the Town at the time the application is filed.

D. There shall be three (3) classes of building sewer permits:

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1. For residential service:

2. For commercial users producing only domestic wastewater or 50 population units (5,000 gallons/day); and

3. For industrial users.

E. In all cases, the owner or the owner's agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town. A permit and inspection fee for a residential, commercial, or industrial permit under this Article shall be paid to the Town at the time the application is filed. Permits shall not be transferred or reassigned.

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§ 181-15 Owner responsible for costs.

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

§ 181-16 Separate building sewer required.

A separate and independent building sewer shall be provided for every building requiring a sewer connection, except that, 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, then the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 181-17 Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found to meet all requirements of this chapter and such use is authorized by the Superintendent.

§ 181-18 Methods of construction.

[Amended 4-13-2021]

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the State of Maine Plumbing Code and other applicable rules and regulations of the Town. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. If it is determined by the Superintendent that a clogged street sewer could cause sewage backflow in the service line and result in damage to the building and/or contents, the Superintendent may require the installation of a backflow preventer valve at the owner's expense.

§ 181-19 Inspection.

- A. The Superintendent shall be allowed to inspect all building sewers installed pursuant to this article at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for inspection and before any underground portions are covered. A timely inspection shall be made by the Superintendent within two business days whenever possible.
- B. No building sewer installation constructed pursuant to this article can be approved if such sewer is covered prior to inspection.
- C. The owner will be held in violation of this section if the Superintendent has not inspected and approved the installation.

D. The connection of the building sewer into the public sewer shall conform to the latest editions of the

requirements of the building and plumbing code, or the procedures set forth in appropriate specifications of the ASTM, ASCE manuals of engineering practice, WEF Manual of Practice No. 9 or No. FD-5, and/or Division Standards of Design for Sewerage and Wastewater Facilities. All such connections shall be made watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the District before installation.

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E. The Applicant for the building sewer permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under supervision of the District.

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F. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District at the owner's expense when the owner(s) or their agents perform such work.

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G. Any person proposing a new discharge into the system or an increase in the volume, beyond limits previously permitted, or in the strength or character of pollutants that are discharged into the system, shall make application to the District for a modification of their permit at least sixty (60) days prior to the proposed change or connection. No person shall operate with such an increase or change without first having applied for and received a modification to their permit.

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H. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial discharge or any alteration in either flow or waste characteristics in industrial discharge shall require prior approval by the District and the Division.

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§ 181-20 Connection by Town.

If an existing entrance or connection to the public sewer is not available for a new building sewer connection, the owner shall notify the Superintendent two business days before the expected time of connection. All such connections at the public sewer shall be made by the Town or its agent at the owner's expense.

§ 181-21 Storm drain connection prohibited.

No person(s) 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 sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

§ 181-22 Building demolition.

In the case of buildings being removed or demolished, the building sewer shall be capped at the street right-of-way line to the satisfaction of the Superintendent.

§ 181-23 Street openings.

All street openings or installations in a public right-of-way shall be performed in strict accordance with Town regulations and approved by the Director of Public Works.

§ 181-24 Connection to force main prohibited.

No person shall make connection of a building sewer or pipe of any type to a force main or inverted siphon which is part of the public sewer system.

Article VI

Use of Public Sewers

§ 181-25 Stormwater and unpolluted drainage.

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to storm drains or to natural outlets approved by the Superintendent. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet, and the discharge shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subsection 413.

§ 181-26 Prohibited discharges.

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

- A. Any petroleum oil products, products of mineral oil origin, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters or pollutants 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 waters of the wastewater treatment plant, including but not limited to those substances as defined in standards issued from time to time by EPA and DEP.
- C. Any water or pollutants having a pH lower than 5.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities.
- ~~D.~~ Any solid or viscous substances in such quantities or of such size as capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, disposable diapers, wood, unground garbage, seafood shells, whole blood, paunch manure, hair and fleshings, entrails and paper or plastic dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- ~~E.~~ Any waters or pollutants, including oxygen-demanding pollutants (BOD, etc.), which, released in quantities of flow or concentrations, or both, constitute a "slug" as defined herein.
- ~~D.~~ Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment works, but in no case heated waters or pollutants in such quantities that the temperature at the wastewater treatment works influent exceeds 30° C. (86° F.)

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§ 181-27 Limited discharges.

The following described substances, materials, waters or pollutants shall be limited in discharges to the public sewer to concentrations or quantities which will not harm either the sewers, the wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, or public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. The limitations or restrictions of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- A. Wastewater having a temperature higher than 60° C. (140° F.).

- B. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
- C. Wastewater containing fats, oils and grease, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
- D. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the District, the Division, or the National Categorical Pretreatment standards, as promulgated by the EPA, for such materials.
- E. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the District.
- F. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers 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.
- G. Wastewater containing any hexavalent chromium, aluminum, iron, tin, fluorides, arsenic, phenols, chlorides, sulfates or mercury or the following metals, in concentrations exceeding those listed:

<u>Parameter</u>	<u>Limit</u>
<u>Arsenic</u>	<u>0.93 mg/l</u>
<u>Ammonia</u>	<u>400 mg/l</u>
<u>BOD</u>	<u>600 mg/l</u>
<u>Boron</u>	<u>5.0 mg/l</u>
<u>Cadmium</u>	<u>0.06 mg/l</u>
<u>Chloride</u>	<u>1200 mg/l</u>
<u>Chromium</u>	<u>0.32 mg/l</u>
<u>COD</u>	<u>1320 mg/l</u>
<u>Cyanide</u>	<u>0.03 mg/l</u>
<u>Effluent Acute Toxicity</u>	<u>LC 50 = 100%</u>
<u>Iron</u>	<u>100 mg/l</u>
<u>Lead</u>	<u>0.04 mg/l</u>
<u>Mercury</u>	<u>0.002 mg/l</u>
<u>Nickel</u>	<u>1.5 mg/l</u>

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<u>PFAS (total)</u>	<u>50 mg/l</u>
<u>Phenolic Compounds</u>	<u>550 mg/l</u>
<u>Phosphorus</u>	<u>45 mg/l</u>
<u>Selenium</u>	<u>1.0 mg/l</u>
<u>Silver</u>	<u>0.10 mg/l</u>
<u>Sulfide</u>	<u>2.5 mg/l</u>
<u>TKN</u>	<u>450 mg/l</u>
<u>Total Toxic Organics</u>	<u>5 mg/l</u>
<u>TSS</u>	<u>300 mg/l</u>
<u>Zinc</u>	<u>3.7 mg/l</u>

Notes: All metals to be reported as total recoverable.

- H. Wastewater containing odor-producing substances exceeding limits which may be established by the Superintendent.
- I. Any radioactive wastes or isotopes which exceed limits established by applicable state or federal regulations or standards.
- J. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- K. Any water or wastes which are reactive or, by interaction with other water or wastes in the public sewer system, release toxic, flammable, or explosive gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures, treatment process, and residuals management.
- L. Any pathogenic or infectious or physically dangerous medical or biological waste or any wastewater which results from the management or treatment of such wastes.
- M. Any hazardous waste or any wastewater which results from the management or treatment of hazardous waste.
- N. Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the District; any filter backwash that is not treated to meet the requirements established herein, unless specifically permitted by the District.
- O. Any wastewaters which contain, PCBs, dioxins, Phenanthrene chlorinated naphthalenes; Fluoranthene, Hexachlorobutadiene or pesticides, including, but not limited to, Dieldrin, Chlordane, 1,1,1-Trichloro-2,2-bis (p-chlorophenol)-ethane (4-4 DDT), Demeton, Endosulfan I, Endosulfan II, Endrin, Guthion, Heptachlor, Malathion, Methoxychlor, Mirex, Parathion, Acrolein, Aldrin, Tetrachlorodiphenylethane (TDE), 1,1-Dichloro-2,2-bis (p-chlorophenol) ethane (DDE), Hexachlorocyclo-hexane, Lindane,

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Benzene-cis-hexachloride and benzene-trans-hexachloride (BHC), Hexachlorocyclo-pentadiene, and Toxaphene, unless specifically permitted by the District.

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P. Detergents, surface-active agents, or other substances that cause excessive foaming in sewers, the wastewater treatment process or associated facilities.

Q. Wastewater which, by interaction with other water or pollutants in the public sewer system, releases obnoxious gases, forms suspended solids which interfere with the public sewer system or creates a condition deleterious to the wastewater facilities.

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R. Any wastes having color not removable by the treatment works.

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S. Any wastes having average BOD in excess of 400 milligrams per liter.

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T. Any wastes having average COD in excess of 600 milligrams per liter.

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U. Any wastes having average SS in excess of 400 milligrams per liter.

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V. Any wastes having dissolved solids in such quantity and character as incompatible with the wastewater treatment works.

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§ 181-26 National Categorical Pretreatment Standards.

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory found in 40 CFR, Chapter I, Subchapter N, Parts 405 to 471, and hereby incorporated in these rules and regulations, such standards shall immediately supersede, for users in that subcategory, the limitations imposed under these rules and regulations. The Town shall notify all affected users of the applicable requirements under the Act and Subtitles C and D of the Resource Conservation and Recovery Act.

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§ 181-28 Town options for prohibited wastes.

If any waters or pollutants are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 181-26 or 181-27 of this chapter, and which, in the judgment of the Superintendent, 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 Superintendent may:

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- A. Reject the waters or pollutants;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover the added costs of handling and treating the wastes.

§ 181-29 Pretreatment or flow equalization.

If the Superintendent requires or permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment or equalization plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, laws and the municipal discharge permit. All such pretreatment or flow-equalization facilities shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

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§ 181-30 Grease and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as

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specified in § 181-27C or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located outdoors as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner must be performed by currently licensed waste disposal firms.

An external grease interceptor (min 1,000 gallons for 50 or less seating capacity and 250 gallons for every 25 seats thereafter) shall be required to receive the drainage from fixtures and equipment with grease-laden waste. In all fixed food service establishment kitchens, the required mop sink, floor drains in the food preparation areas, and prewash and wash compartments of the pot sink shall be connected to the grease interceptor. Food waste and dishwasher grinders shall not discharge into the building drainage system through a grease interceptor. Compliance with all applicable codes established by Building Official and Code Administrators (BOCA) shall be required.

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§ 181-31 Industrial waste permit required.

All discharges of industrial wastewater are required to obtain a permit from the Superintendent. All permits and applications for permits shall be in a form determined by the Superintendent and shall include an application fee established by the Town Council. In cases where the Town incurs administrative or outside professional costs in preparing such applications, such costs shall be charged directly to the applicant. Each permit shall have an annual expiration date. Such permits shall require compliance with all federal and state pretreatment standards and may include other requirements imposed by the Superintendent.

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§ 181-32 Industrial waste monitoring.

- A. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial pollutants 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 accessible, safely located and constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- B. All measurements, tests and analyses of the characteristics of waters and pollutants to which reference is made in this chapter 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 structure as required in Subsection A of this section, or upon suitable samples taken at said structure. In the event that no special structure has been required, suitable samples shall be taken at the upstream and downstream manholes in the public sewer nearest to the point at which the building sewer is connected.
- C. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be retained by the owner for a minimum of three years and made available upon request by the Superintendent to the Portland Water District, DEP or EPA.
- D. All sampling and testing shall be carried out by the qualified person at the owner's expense. The method and location of sampling and quality of testing is subject to approval of the Superintendent. Any users of public sewers discharging or causing to be discharged into such public sewers any industrial wastes shall provide the Superintendent with samples, when requested.

§ 181-33 Industrial waste monitoring.

The municipality shall ~~develop~~, and the Superintendent shall enforce pretreatment regulations for existing and new sources of pollution that are discharged or proposed to be discharged into the municipality-owned wastewater treatment facilities as set forth in the rules of the United States Environmental Protection Agency in 40 CFR Parts 129 and 403.

§ 181-34 Exclusion of industrial waste.

The Superintendent, with approval of the Town Manager, shall have authority to temporarily exclude any industrial waste, whether pretreated or not, from the municipal sewers whenever, in his or her opinion, such actions necessary for the purpose of determining the effects of such wastes upon the public sewers or wastewater facilities. The Superintendent shall notify the affected user prior to taking such actions and shall afford the user a reasonable time for response. The Superintendent shall have the authority to take actions necessary to halt the discharge of pollutants from any user to the treatment works which reasonably appears to present an imminent endangerment to the wastewater facility or to the health or welfare of persons. Such actions shall be preceded by a notification, oral or written, to the user.

§ 181-35 Additional information required.

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- A. Wastewater discharge rates and volumes (average, minimum, peak) over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on new materials, processes and products affecting wastewater volume and quality.
- D. Quantity and disposition of specified liquids, sludge, oil, solvent or other materials important to sewer to sewer use control.
- E. An engineering drawing, by a licensed professional engineer of sewers, of the user's property, showing sewer and pretreatment facility location and details of wastewater pretreatment facilities.
- F. Details of systems to prevent and control the losses of materials through spills to the public sewer.

§ 181-36 Special arrangements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial sewer user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial sewer user, provided that such agreements do not contravene any requirements of existing federal or state laws and/or regulations promulgated thereunder and are compatible with any user charge system in effect.

Article VII Power and Authority of Superintendent

§ 181-37 Right of entry.

The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the public sewer system in accordance with the provisions of this chapter.

§ 181-38 Industrial process information.

The Superintendent or other duly authorized employees or agents are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the public sewer system. The industry may request that such information be kept confidential. The industry must

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establish that the revelation to the public of the information in question might result in an advantage to competitors.

§ 181-39 Private property inspection, safety and responsibility.

While performing the necessary work on private properties referred to in § 181-37, the Superintendent or duly authorized employees or agents of the Town shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the Superintendent and his employees or agents and the Town shall indemnify the owner against loss or damage to his property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

§ 181-40 Easement entry.

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

§ 181-41 Written notice of violation.

Any person found to be violating any provision of this chapter, except §§ 181-4 and 181-34, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 181-42 Violations and penalties.

Any person who shall continue any violation beyond the time limit provided for in § 181-41 shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in an amount not less than \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 181-43 Liability for public expense.

Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town or the Portland Water District by reason of such offense, including:

- A. Any physical impairment of the wastewater facilities.
- B. Any fines which the Town or the Portland Water District may be required to pay as a result of such offense.

§ 181-44 Injunctive relief.

Notwithstanding any of the foregoing provisions, the Town or the Portland Water District may institute any appropriate action, including injunction or other proceedings, to prevent, restrain or abate violations hereof.

Article VIII Sewer Extensions

§ 181-45 New subdivisions.

[Amended 4-13-2021]

Any person who subdivides land within the Town, of which any part either is located within 1,500 feet of a public sanitary sewer or is located so that it can be connected to such a public sanitary sewer without undue hardship, as determined by the Planning Board, shall, if such subdivision has not been finally approved before the effective date of this chapter, and assuming capacity exists in the sewer system as determined by the Town Council, at his own expense, construct, for dedication to the Town, a sanitary sewer extension to serve all structures within such subdivision which will require the disposal of wastewater. Such sanitary sewer shall be designed by a licensed professional engineer, its design shall be approved by the Town, and its design, construction and acceptance shall be in accordance with the provisions of §§ 181-48 and 181-49.

§ 181-46 Existing buildings.

Any one or more property owners, builders or developers may propose the extension of any sanitary sewer within the Town by presenting to the Town Council a petition therefor signed by the owners of at least 2/3 of the buildings and properties which would be required to connect to such sewer or be assessed a readiness-to-serve charge under the provisions of Article IX. If the Council does allow the construction of such extension, it may permit the petitioners to construct the same for dedication to the Town upon a determination that such extension is consistent with Town plans for public sewers, is properly located and sized and may lawfully be so constructed. The Council may also elect to participate in the cost of extending the sanitary sewer if circumstances deem it to be in the best interest of the Town. Such sanitary sewer shall be designed by a licensed professional engineer; its design shall be approved by the Town, and its design, construction and acceptance shall be in accordance with the provisions of §§ 181-47, 181-48 and 181-49. Any sewer extension shall be of adequate size and depth to permit further extensions of sewer service.

§ 181-47 Procedural requirements.

- A. Any person constructing a sanitary sewer extension in accordance with §§ 181-45 and 181-46 shall pay for the entire installation, including all expenses incidental thereto, including design review by a licensed professional engineer. Each building sewer must be installed and inspected as required by Article V, and all connections shall be made as required under Article V. Permit and inspection fees shall be paid for each building sewer connection to the sanitary sewer extension in accordance with Article V. The installation of the sewer extensions must be subject to periodic inspection by the Superintendent, and the expenses for this inspection shall be paid for by the owner, builder or developer. The Superintendent's decision shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the testing required in the sewer design specifications as adopted by the Town before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.
- B. The Superintendent shall approve any sanitary sewer extension construction under §§ 181-37 and 181-38, and he shall be given a complete plan and profile thereof, as constructed, before acceptance thereof and before final acceptance of the subdivision street in which it is located by the Town. All sewer extensions, including pump stations, constructed at the property owner's, builder's or developer's expense, after final approval and acceptance by the Superintendent, shall become the property of the Town and shall thereafter be maintained by the Town within a time period of six months if accepted. Said sewers or pump stations, after their acceptance by the Town, shall be guaranteed by the property owner, builder or developer against defects in materials or workmanship for 12 months. The guaranty shall be in the form of a maintenance guaranty bond in an amount not less than 10% of the engineer's estimate of the cost of the sewer extension or pump station.

§ 181-48 Pump station design.

Sewer and pump station design shall be in accordance with the sewer design specifications adopted by the Town. Pump station telemetry shall be in accordance with the requirements of the Portland Water District. The Portland Water District shall approve, prior to installations, all necessary instrumentation for all pump stations. All pump stations with an installed design capacity greater than 150 gallons per minute shall be designed and constructed by the Portland Water District, with the developer or the property owners requiring the pump station paying all of the costs.

§ 181-49 Building permit requirement.

No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of sewage disposal is proposed and approved by the Town.

**Article IX
Sewer User Fees**

§ 181-50 Charge system established.

- A. The Town Council shall establish the user charge system in accordance with appropriate federal and state laws, rules and regulations and shall further the equitable allocations of the capital and operating costs of the public sewerage system among municipal use and the general public benefit, private use and the availability of use to properties not connected to the system. Subject to these requirements, such charges and any classification thereof shall be fair and reasonable, bearing a substantial relationship to the cost of providing sewage facilities and services to the Town. Such charges shall be at a rate sufficient to approximate 100% of the total annual cost of providing sewage facilities and services to the Town unless the Town Council elects to offset some capital costs from general Town funds. Such charges shall include adequate revenues for renewal and replacement of the wastewater facilities. The Town Council may decide on 3rd party vendors to operate the Waste Water Treatment Facility to avert or establish lower operational and capital costs.
- B. The user charge system shall include a financial management system which accounts for sewer system revenues and expenditures.

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§ 181-51 User fees established.

- A. The Town Council is hereby authorized to establish, alter from time to time and levy, upon persons owning land abutting on or served by an existing or future public sewer, sewer user fees and industrial waste surcharge fees for the use of and for the services furnished by such sewers or available to such land, whether or not such land is connected to the public sewer. Such fees shall be established by the Town Council on an annual basis after public hearing.
- B. Sewer user fees shall be based on the amount of water, estimated or measured, as shown on the records of the Portland Water District, provided to the sewer user during the previous billing period; provided, however, that where water is obtained from a source or sources other than the Portland Water District, whether or not the Portland Water District also supplies water, the computation shall include the amount of water obtained from all such other sources, unless the user established that the water from such other sources is not entering the sewer system. The Town may require, or the user may opt for additional metering, either of water sources or of the sewer outflow, to be installed and maintained at the owner's expense where such metering is required to accurately measure the volume of wastewater entering the sewer system.
- C. Each sewer user shall pay a minimum fee regardless of actual water usage. Such minimum fee shall be established by the Town Council on an annual basis.
- D. Industrial waste surcharge fees shall be charged to users which have or may have industrial wastes discharging to the public sewer system. Such fees may be based on measured or estimated quantities of material exceeding the limits listed in Article VI and on Town costs for administering and monitoring the provisions in Article VI related to industrial wastes.
- E. Readiness-to-serve fees shall be charged to properties which abut a public sewer having available to it a connection stub. Such fees can be used only for payment of fixed costs that are not related to flow.
- F. Buy-in fees shall be established by the Town Council. Buy-in fees are charged per nit to any new installation after January 3, 2026, and shall be \$5,000/unit (apt.) or based on design flow calculated by

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the Town.

G. User charges: Each user connected or unconnected to the sewerage system shall pay a sewer charge to cover the costs of management, maintenance, operation and repair, including replacement of the wastewater system. Sewer user charges shall be based on water use. The applicable charge shall be established by the Council.

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1. Sewer surcharges may be levied upon users who discharge wastewaters to the system that are above normal strength. The discharge of septage is an example of assigning a surcharge for operation and maintenance. For the purpose of determining the surcharge, normal domestic wastewater shall be considered to each have a BOD and suspended solids concentration of 250 mg/l.

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2. Any user contributing more than 5,000 gallons per day and whose discharge strength is greater than 600 mg/l BOD or 300 mg/l TSS shall prepare and file with the District a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain this data, and these data shall be used to calculate the user charge for that user. The District shall have the right to gain access to the waste stream and take its own samples.

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§ 181-52 Billing.

A. Bills for all charges under this article are payable by the owner but may be sent to other persons on request, including the occupant or persons requesting water service if mutually agreeable to the owner and the Town.

B. Bills shall be sent periodically, at such intervals as the Town Council may determine, and are due and payable within thirty (30) days of the billing date. An interest charge will be added to each delinquent bill for each thirty (30) days or portion thereof of delinquency. When any bill is more than seventy-four (74) days in default, service to such premises may be discontinued, in accordance with all applicable statutes and regulations, until such bill is paid.

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C. The Town may use the service, procedures and personnel of the Portland Water District for the purpose of billing and collection of charges under this article. All such charges billed by the Portland Water District are payable to the District as an agent of the Town.

D. The District will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance costs, including replacement costs, among users and user classes.

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E. All fees and user charges are contained in the current Rate Schedule as established by the Town Council.

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§ 181-53 Late payments; liens.

A. Interest at the same rate as that established for unpaid property taxes shall be added to all unpaid bills beginning 30 days after the date of the bill.

B. There shall be a lien on the property served or to which service is available to secure payment of the charges and fees established herein, which shall take precedence over all other claims on such real estate, excepting only claims for taxes.

C. All delinquent unpaid sewer charges will be turned over to the Treasurer of the Town. The Treasurer of the Town shall have the same authority and power to collect such service charges as is granted by 38 M.R.S.A. § 1208, and as it may be amended, to treasurers of sanitary sewer districts. In addition to the lien established hereby, the Town may maintain a civil action against the party so charged for the amount of said sewer charge in any court competent to try the same, and in such action may recover the

amount of such charge with legal interest on the same from the date of said charge and costs.

Article X

Appeals

§ 181-54 Initial notice to Superintendent.

Any person aggrieved by a determination made under the provisions of this chapter or any person questioning the amount of or the validity of any charge or fee hereunder shall first contact the Superintendent, who may make such adjustments as he deems appropriate within the limits of his authorization in this chapter.

§ 181-55 Appeal to Board.

Any person dissatisfied with the action of the Superintendent may appeal, in writing, within 10 days to the Sewer Appeals Board, which shall, within 30 days, hold a hearing on the appeal. The Sewer Appeals Board may affirm or amend the Superintendent's action, and it may permit exceptions to or variances from the specific provisions of this chapter to prevent undue hardship. The Sewer Appeals Board may impose such conditions as it deems necessary in furtherance of the intent and purposes of this chapter, including but not limited to a requirement for added water or sewerage flow metering and reporting. All Sewer Appeals Board adjustments or decisions will be provided in writing and dated.

§ 181-56 Appeal to Court.

An aggrieved party may appeal the decision of the Sewer Appeals Board to the Superior Court as provided by the laws of the State of Maine.

Article XI

Sewer Appeals Board

§ 181-57 Creation; appointment.

The establishment of a Board of Sewer Appeals is hereby authorized. The members of the Board shall be appointed by the Town Council. They shall be residents of the Town and shall serve without compensation. In accordance with the laws of the State of Maine, the following provisions shall apply:

- A. The Board shall consist of five members. A quorum shall consist of three members.
- B. The term of office of members shall be three years, except that initial appointment of members shall be one for one year, two for two years and two for three years.
- C. No municipal officer shall be a member of the Board of Sewer Appeals.
- D. The Town Council may remove a member of the Board of Sewer Appeals. Unexcused absence of any member from three consecutive meetings of the Board shall be considered cause for such removal.
- E. When there is a permanent vacancy, whether caused by death, resignation, removal or loss of eligibility, the Town Council may appoint a person to serve for the unexpired term.
- F. The Board of Sewer Appeals shall elect a Chair and a Secretary from its own membership annually.

§ 181-58 Jurisdiction.

The Board of Sewer Appeals shall have the following powers and duties, to be exercised only upon written appeal by a party aggrieved by a decision of the Superintendent, the Health Officer and/or the Plumbing Inspector insofar as such decision arises from requirements of this chapter:

- A. To determine whether the decisions of said officers are in conformity with the provisions of this chapter and to interpret the meaning of this chapter in cases of uncertainty.

- B. To grant variances from the terms of this chapter where there is no substantial departure from the intent of this chapter and/or where necessary to avoid undue hardship. A projected expenditure of an amount exceeding 15% of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship.

§ 181-59 Hearings.

- A. The Board of Sewer Appeals shall annually determine a regular monthly meeting date or as appropriately needed. All appeals or other matters to come before the Board requiring a notice as prescribed herein shall be filed with the Town Clerk at least 15 days prior to said next monthly meeting day, who shall cause to be advertised in a newspaper of general circulation in the Town of Windham a notice of such appeal, identifying the property involved and the nature of the appeal and stating the time and place of a public hearing of such appeal, which shall not be earlier than 10 days after the date of such publication.
- B. The Board of Sewer Appeals shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned forthwith. Failure of the Board to issue such notice within 30 days of the date of the hearing shall constitute a denial of said appeal.

Article XII Limits of Liability

- A. The approval of permit applications or the acceptance of any sewer construction by any of the District's appointed officials does not indicate, nor should it be construed as acceptance of any liability by the District, or any of its employees for claims which may arise due to errors, oversights, inferior material, poor workmanship or damages incurred in connection with construction of building sewers or private sewer disposal systems as set forth in Articles III, IV, and V of these Rules and Regulations.

Article IX Industrial Pretreatment

- A. All persons discharging industrial wastes to the sanitary sewer shall comply with applicable requirements of the industrial pretreatment regulations contained in this Article, and Federal, State, and local laws, ordinances, codes, regulations, and rules, including the National Categorical Pretreatment Standards. The National Categorical Pretreatment Standards which would apply to industries if there were Clean Water Act jurisdiction (which there is not) are hereby adopted and incorporated herein.
- B. The discharge of any industrial waste to the sanitary sewer is prohibited without a valid Industrial Discharge Permit (IDP).
- C. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances governed by these Rules and Regulations. Facilities to prevent accidental discharges shall be provided and maintained at the industrial user's expense.
- D. Persons subject to this Article shall submit an application for an IDP containing information required under applicable State and Federal pretreatment regulations. Such information, at a minimum, shall include:
1. The name and address of the facility, including the name of the operators and owners.
 2. A list of all environmental permits held by or for the facility.
 3. A brief description of the nature, average rate of production, and Standard Industrial Classification

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of the operations carried out at such facility including:

- a. An identification of the categorical pretreatment standards applicable to each regulated process.
- b. An analysis identifying the nature and concentration of pollutants in the discharge.
- c. Notification to the District of any proposed or existing discharge of listed or characteristic hazardous waste.
- d. In those instances, in which the industrial user provides notification of discharge of hazardous wastes, the industrial user shall also provide the following certification: "I certify that the company has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree the company has determined to be economically practical."
- e. Information showing the measured averaged daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
- f. A schedule of actions to be taken to comply with discharge limitations.
- g. Additional information, as determined by the District, may also be required.

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E. The IDP shall outline the general and specific conditions under which the industrial waste is accepted for treatment at the District's Wastewater Treatment Works. The IDP shall include the following:

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1. Whether pretreatment and self-monitoring facilities are required.
2. A description of the required monitoring parameters and frequencies.
3. Effluent limitations on the industrial process waste.
4. Reporting requirements.
5. Location of sampling sites, and the types and number of samples to be taken.
6. A requirement that the industrial user provide notice of slugs, bypass or noncompliance.

F. An IDP is issued to a specific user for a specific operation. An IDP shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the District. Any succeeding owner or user shall comply with the terms and conditions of the existing permit until such time as the District issues a new IDP.

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G. Persons holding an IDP shall comply with the following reporting requirements:

1. Industrial users shall submit periodic reports, as required, indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. Sampling for all Significant Industrial Users for periodic reports must be performed during the period covered by the report. Extra sampling data from categorical Significant Industrial Users must be included in the periodic reports. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operations and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the District.
2. Reports submitted under this Article shall be signed by an authorized representative. An authorized representative may be:

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a. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

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b. A general partner or the proprietor if the industrial user is a partnership or sole proprietorship; or

c. By a duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operations of the facility.

d. Reports submitted under this Article shall include the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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H. Industrial users subject to the reporting requirements under this Article shall maintain records of information resulting from monitoring activities and be required to prepare such reports. Such records shall be maintained for a minimum of five years and shall be made available for inspection and copying by the District. Such records shall include for each sample:

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1. The date, exact place, method and time of sampling, the flow rate, production rate, and the name of person or persons taking the sample;

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2. The dates analyses were performed;

3. The laboratory performing the analysis;

4. The analytical techniques and methods used; and

5. The results of such analysis.

I. IDPs shall also be subject to the following conditions:

1. The IDP will be in effect for three years and the applicant shall apply for renewal at least 60 days prior to expiration, unless the applicant is notified otherwise.

2. Prior to its expiration, an IDP may be terminated, revoked or modified for failure to comply with any of these Rules and Regulations.

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3. The District may modify an IDP, prior to its expiration, so it conforms to discharge limitation requirements.

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4. An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a complete IDP application to the District at least 60 days prior to the commencement of such discharge. The submitted application must include plans and engineering drawings, stamped by a registered Maine professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the District, the District will issue a new or amended IDP in accordance with the procedures outlined in this Article.

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5. Industrial users will be assessed an annual fee by the District to defray the administrative costs of the IDP program and may also be assessed an industrial cost recovery fee (See Schedule of Sewer Use Charges).

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J. National Categorical Pretreatment Standards.

1. All industries which would be subject to categorical pretreatment standards if there were Clean Water Act jurisdiction shall comply with these standards and any future standards that are promulgated by the EPA. For the purposes of these regulations, such industries shall be considered subject to categorical pretreatment standards.

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2. An industrial user subject to categorical pretreatment standards shall not discharge to the wastewater facilities after the compliance date of such standards unless an amendment to its IDP has been issued by the District.

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3. Within one hundred twenty (120) days after the effective date of a categorical pretreatment standard, an industry subject to such standard shall submit an application for an IDP Amendment. The Application shall contain the information required in Section 3 of this Article.

4. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into the sewer, any industrial user subject to pretreatment standards and requirements shall submit to the District a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative.

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5. At least 90 days prior to the commencement of a discharge, new sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the District a report which contains the information listed in 40 CFR 403.12(b)(1)-(5) and demonstrates compliance with applicable laws, rules, regulations, codes, and standards. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information required in 40 CFR 403.12(b)(4) and (5) and Env-Ws 904.

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6. Specific discharge limits on pollutant(s) shall be developed and continue to be developed as necessary and shall be effectively enforced by the District.

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7. Where the District develops specific prohibitions or limits on pollutants or pollutant parameters, such limits shall be deemed Pretreatment Standards.

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8. Compliance with applicable pretreatment standards and requirements of Industrial Users shall be enforced by the District in accordance with these Rules and Regulations.

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K. Industrial Users shall immediately notify the District of any slug or spill discharged or any noncompliant discharge by such user to the sanitary sewer. The user shall send a written report to the District within five (5) days of the incident describing the reason for the slug or spill, remedial action taken, and steps taken to prevent its reoccurrence.

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1. Any damage the District suffers as a result of a spill or slug or any noncompliant discharge is considered a violation of these Rules and Regulations, and costs for repair, replacement or other associated costs shall be recoverable from the user.

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L. The District shall, as necessary, sample and analyze the wastewater discharges of contributing industries and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing non-compliance with industrial pretreatment standards. Each

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industry shall be billed directly for costs incurred for analysis of its wastewater. All industries discharging to the sanitary sewer shall allow unrestricted access to authorized District personnel for the purposes of investigating and sampling discharges from the industries. This access shall include copying and inspection of any records pertaining to the discharge or disposal of wastes or wastewater and any records that have been compiled pursuant to pretreatment programs or are needed to determine compliance status.

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M. The District shall investigate instances of non-compliance with industrial pretreatment standards and requirements.

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N. The District shall inspect each significant indirect discharger annually.

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O. Information and data submitted to the District under this Article relating to wastewater discharge characteristics shall be available to the public. Other such information shall be available to the public to the extent authorized by the District.

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§ 101-52 Industrial surcharges.

The Town Council, after receiving the recommendations of the Town Engineer and the Sewer Commission, may establish a schedule of industrial surcharges to cover the added cost of handling and treating any of the wastes enumerated in §§ 260-29 and 260-30 in Article I of this chapter or Schedule A.19

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§ 101-53 Industrial cost recovery.

A. All persons discharging industrial wastes or commercial wastes which average 1,000 or more gallons per day shall be subject to industrial cost recovery under this section, as required by federal law, in addition to sewer user fees and any industrial waste surcharges.

B. The Town Council, after receiving the recommendations of the Town Engineer and the Sewer Commission, shall establish a schedule of charges to industrial and commercial users which shall be based upon the volume of wastes and the quantity of BOD and suspended solids contained in the wastes to ensure that each such user pays its proportionate share of the cost of the treatment works allocable to such industrial and commercial users.

§ 101-54 Dilution prohibited in absence of treatment.

Except where expressly authorized to do so by an applicable National Categorical Pretreatment Standard or pretreatment requirement, no user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance either with the limitations contained in any National Categorical Pretreatment Standard or pretreatment requirement, or in any other pollutant-specific discharge limitation developed by the Town or the EPA.

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§ 101-55 Pretreatment.

Each user shall provide necessary wastewater treatment as required to comply with these rules and regulations, including the local discharge limitations set forth in Schedule A hereto, and shall achieve compliance with all applicable National Categorical Pretreatment Standards within the time limitations specified by said standards. Any facilities required to pretreat wastewater to a level which will achieve compliance with these rules and regulations shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of

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modifying the facility as necessary to produce an effluent which complies with the provisions of these rules and regulations or from liability for noncompliance with pretreatment standards or pretreatment requirements and these rules and regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the [Town](#) prior to the user's initiation of the changes.

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A. Whenever deemed necessary, the [Town](#) may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of these rules.

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B. The [Town](#) may require any persons discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

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C. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand, except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the [Town](#) and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the users at their expense.

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Attachments:

[Attachment 1 - Waste Water Disposal Siting Evaluation Map](#)