

Chapter 195

SEWERS

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[HISTORY: Adopted by the Town Council of the Town of Windham 9-9-1986.

Amendments noted where applicable.]

GENERAL REFERENCES

Building construction – See Ch. 66.

Land use – See Ch. 140.

Excavations in streets – See Ch. 210, Art. I.

ARTICLE I
General Provisions

§ 195-1. 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.

§ 195-2. 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.

§ 195-3. Enforcing officer.

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

§ 195-4. 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, Subsection 806.

ARTICLE II

Definitions

§ 195-5. Definitions and word usage.

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

BIOCHEMICAL OXYGEN DEMAND (BOD) – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (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 eight (8) 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.”

CHEMICAL OXYGEN DEMAND (COD) – The quantity of oxygen utilized in the chemical oxidation of matter under standard laboratory procedure, expressed in milligrams per liter.

DEP – The State of Maine Department of Environmental Protection.

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.

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 wastewater facilities.

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

INDUSTRIAL WASTES - The wastewater from industrial processes, trade or business or any source other than those defined in “domestic wastes.”

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

OWNER – The owner of record according to the Town Tax Assessor’s files.

PERSON – Any individual, firm, company, association, society, corporation, municipal or quasi-municipal agency, state agency, federal agency or other legal entity.

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 7 and a hydrogen-ion concentration of 10^{-7} .

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.

PORTLAND WATER DISTRICT or DISTRICT – The Portland Water District, Portland, Maine, and its elected and appointed officials acting in an authorized manner.

PRIVATE WASTEWATER DISPOSAL SYSTEM – Nonpublic sewage disposal facilities as permitted under the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations, or nonpublic wastewater facilities as licensed by the DEP.

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 ten (10) millimeters [thirty-nine hundredths (0.39) inch] in any dimension.

PUBLIC SEWER – A common sewer owned, operated and maintained by the town or the Portland Water District.

READINES-TO-SERVE FEE - An annual fee assessed to a property which abuts a public sewer having available to it a connection stub.

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

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

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.

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 fifteen (15) minutes, more than five (5) 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.

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

SUPERINTENDENT - The Superintendent of Sewers, as appointed by the Town Council, or his duly authorized representative.

SUSPENDED SOLIDS (SS) – Total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

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

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.

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 building, institutions and industrial establishments, together with such ground-, surface and storm waters 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 – A natural or artificial channel for the passage of water, either continuously or intentionally.

B. The word “shall” is mandatory; “may” is permissive.

ARTICLE III

Required Use of Public Sewer

§ 195-6. 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 sludges 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.

§ 195-7. Connection to public sewer required.

- 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 one hundred twenty (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 to the public sewer but shall be assessed a readiness-to-serve fee.
- 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 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 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

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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 Section 195-45. **Notwithstanding 1 M.R.S. § 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.

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ARTICLE IV

Private Wastewater Disposal Systems

§ 195-8. Public sewer not available.

Where a public sanitary sewer is not available under the provisions of § 195-7, the building shall be connected to a private wastewater disposal system complying with the provisions of this Article and the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations, or to nonpublic wastewater facilities licensed by the DEP.

§ 195-9. 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 Health Engineering, Maine Department of Human Services, which the applicant shall supplement by an 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.
- 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. 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 work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Plumbing Inspector.

§ 195-10. Compliance with state regulations.

The type, capacities, location and layout of a private wastewater disposal system shall comply with the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations, 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.

§ 195-11. 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 §195-7, 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 one hundred twenty (120) days from connection.

§ 195-12. 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.

§ 195-13. Imposition of additional requirements.

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, Building Inspector or Code Enforcement Officer.

ARTICLE V

Building Sewers and Connections

§ 195-14. 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 of character of pollutants that are being discharged into the system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection and shall comply with Maine Revised Statutes annotated, Title 38, Chapter 3, Subchapter I, § 361, as determined by the Superintendent.
- C. There shall be two (2) 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.

§ 195-15. 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.

§ 195-16. 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 (1) building sewer.

§ 195-17. 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.

§ 195-18. Methods of construction.

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.

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§ 195-19. 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 (2) 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.

§ 195-20. 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 (2) 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.

§ 195-21. 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.

§ 195-22. 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.

§ 195-23. 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.

§ 195-24. 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

§ 195-25. 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.

§ 195-26. 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 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 five point zero (5.0) or higher than nine point five (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 of viscous substances in such quantities or of such size as capable or 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, mild 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.
- F. 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 thirty degrees Celsius (30° C.) [eighty-six degrees Fahrenheit (86°F.)]

§ 195-27. 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, 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 sixty degrees Celsius (60°C.) [one hundred forty degrees Fahrenheit (140°F.)]
- B. Wastewater containing more than twenty-five (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 one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150° F.) [zero and sixty-five degrees Celsius (0° and 65° C.)]

- D. 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.
- E. Wastewater containing any hexavalent chromium, aluminum, iron, tin, fluorides, arsenic, phenols, chlorides, sulfates or mercury or the following metals, in concentrations exceeding those listed:

Metal	Maximum for Any 1 Day (milligrams per liter)	Average of Daily Values For 30 Consecutive Days (milligrams per liter)
Cadmium	0.064	0.016
Chromium	2.87	0.80
Copper	3.72	1.09
Lead	0.67	0.23
Nickel	3.51	1.26
Silver	0.44	0.13
Zinc	2.64	0.80

- F. Wastewater containing odor-producing substances exceeding limits which may be established by the Superintendent.
- G. Any radioactive wastes or isotopes which exceed limits established by applicable state or federal regulations or standards.
- H. 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.
- I. 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.
- J. Any wastes having color not removable by the treatment works.
- K. Any wastes having average BOD in excess of four hundred (400) milligrams per liter.
- L. Any wastes having average COD in excess of six hundred milligrams per liter.
- M. Any wastes having average SS in excess of four hundred (400) milligrams per liter.
- N. Any wastes having dissolved solids in such quantity and character as incompatible with the wastewater treatment works.

§ 195-28. 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 §195-6 or 195-27 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 the life or constitute a public nuisance, the Superintendent may:

- 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 wastes.

§ 195-29. 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.

§ 195-30. 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 specified in §195-27c 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.

§ 195-31. Industrial waste permit required.

All dischargers 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.

§ 195-32. Industrial waste monitoring.

- A. When required by the Superintendent, the owner of any property service 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. 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 (3) 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.

§ 195-33. Compliance with EPA pretreatment regulations.

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 Title 40, Chapter 1, Part 128 and Part 403 of the final rules of the United States Environmental Protection Agency.

§ 195-34. 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 action is 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.

§ 195-35. 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 raw 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 use control.
- E. An engineering drawing, by a registered 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.

§ 195-36. 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 to 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

§ 195-37. 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.

§ 195-38. 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 establish that the revelation to the public of the information in question might result in an advantage to competitors.

§ 195-39. Private property inspection, safety and responsibility.

While performing the necessary work on private properties referred to in § 195-37, 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.

§ 195-40. 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.

ARTICLE VIII

Violations and Penalties

§ 195-41. Written notice of decision.

Any person found to be violating any provision of this chapter, except §§ 195-4 and 195-34, 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.

§ 195-42. Violations and penalties.

Any person who shall continue any violation beyond the time limit provided for in § 195-41 shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in an amount not less than one hundred dollars (\$100) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 195-43. 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.

§ 195-44. 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 IX

Sewer Extensions

§ 195-45. New subdivisions.

Any person who subdivides land within the town, of which any part either is located within one thousand five hundred (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 registered engineer, its design shall be approved by the town; and its design, construction and acceptance shall be in accordance with the provisions of §§ 195-48 and 195-49.

Deleted:

§ 195-46. Existing buildings.

Any one (1) 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 two-thirds (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 X. 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 registered engineer; its design shall be approved by the town; and its design, construction and acceptance shall be in accordance with the provisions of §§ 195-47, 195-48 and 195-49. Any sewer extension shall be of adequate size and depth to permit further extensions of sewer service.

§ 195-47. Procedural requirements.

- A. Any person constructing a sanitary sewer extension in accordance with §§ 195-45 and 195-46 shall pay for the entire installation, including all expenses incidental

thereto, including design review by a registered 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 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 §§ 195-37 and 195-38, 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, 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 (6) 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 twelve (12) months. The guaranty shall be in the form of a maintenance guaranty bond in an amount not less than ten percent (10%) of the engineer's estimate of the cost of sewer extension or pump station.

§ 195-48. 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 installation, all necessary instrumentation for all pump stations. All pump stations with an installed design capacity greater than one hundred fifty (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.

§ 195-49. 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 X

Sewer User Fees

§ 195-50. 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 allocation 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 the 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 one hundred percent (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.
- B. The user charge system shall include a financial management system which accounts for sewer system revenues and expenditures.

§ 195-51. 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 other sources, unless the user establishes 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 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.

§ 195-52. 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 on presentation.
- 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.

§ 195-53. Late payments; liens.

- A. Interest at the same rate as that established for unpaid property taxes shall be added to all unpaid bill beginning thirty (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 Title 38, Section 1208, and 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 XI

Appeals

§ 195-54. 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.

§ 195-55. Appeal to Board.

Any person dissatisfied with the action of the Superintendent may appeal, in writing, within ten (10) days to the Sewer Appeals Board, which shall, within thirty (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.

§ 195-56. Appeal to court.

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

ARTICLE XII

Sewer Appeals Board

§ 195-57. 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 (5) members. A quorum shall consist of three (3) members.
- B. The term of office of members shall be three (3) years, except that initial appointment of members shall be one (1) year tow (2) for two years and tow (2) for three (3) 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 (3) 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 Chairman and a Secretary from its own membership annually.

§ 195-58. 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 fifteen percent (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.

§ 195-59. Hearings.

- A. The Board of Sewer Appeals shall annually determine a regular monthly meeting date. 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 fifteen (15) days prior to said next monthly meeting day, who shall cause to be advertised in a newspaper or general circulation in the Town of Windham a notice of such appeal identifying the property involved, the nature of the appeal and stating the time and place of a public hearing of such appeal which shall not be earlier than ten (10) days after the date of such publications.
- 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 thirty (30) days of the date of the hearing shall constitute a denial of said appeal.