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## ARTICLE I. IN GENERAL

*Sec. 18-1.1 Administration.*

This chapter shall be administered by the town wastewater management commission.

*Sec. 18-1.2 Validity.*

If any provision of this chapter or the application to any person or circumstance is held invalid, the remainder of this chapter or the application of such provisions to other persons or other circumstances shall not be affected.

*Sec. 18-1.3 Definitions.*

- 1) *Act* shall mean the Federal Water Pollution Act, PL 92-500, and any amendments thereto; as well as any guidelines limitations and standards promulgated by the Environmental Protection Agency pursuant to the act.
- 2) *Authorized agent* means the town council.
- 3) *BOD (denoting biochemical oxygen demand)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.
- 4) *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall. The building drain, from a minimum of six inches (15.2 cm) inside the foundation wall, through the foundation wall, and to five feet (1.5 meters) outside the inner face of the building wall shall be a minimum of four inches (10.2 cm) in diameter and shall be in accordance with local and/or state plumbing and building codes.
- 5) *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
- 6) *Chemical oxygen demand (COD)* shall mean a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test.
- 7) *Chlorine demand* shall mean the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contract period.
- 8) *Church or school* structure means any structure owned by any incorporated nonprofit organization used or designed for use as a school anchor for the conduct of religious services and related purposes such as parsonage, rectory, convent, school or assembly or recreation hall.
- 9) *Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

- 10) *Commercial structure* means any structure which is used or designed for use as a country club, private or nonprofit meeting hall or club, business office, bank, retail or wholesale store, lumberyard, nursery, proprietary school, professional office, and any other commercial, social or community use (excepting church or school structures).
- 11) *Developer* shall mean a person who develops a plot of land under a subdivision, plat or building permit.
- 12) *Dwelling unit* shall mean one or more rooms designed or intended for living purposes and containing sanitary facilities.
- 13) *Enabling act* means as the same has been or may hereafter be amended from time to time.
- 14) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- 15) *Home site* means a lot or group of adjoining lots owned by the same owner and containing a single residential structure or multiuse structure; or if unimproved, then declared by the owner as intended for use by a single residential or multiuse structure.
- 16) *Industrial structure* means any structure used or designed for use primarily for warehousing, assembling, lubricating, shipping, manufacturing or industrial uses and other related activities.
- 17) *Significant industrial user* shall mean:
  - a) A user subject to categorical pretreatment standards; or
  - b) A user that:
    - i) Discharges an average of 25,000 gpd or more of process wastewater to the Publicly Owned Treatment Works (POTW) (excluding sanitary, non-contact cooling, and boiler blow-down Wastewater); or
    - ii) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - iii) Is designated as such by the town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
  - c) Upon a finding that a user meeting the criteria in subsection 2. 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 a user (and in accordance with procedures in 40 CFR 403.8f)6) determine that such user should not be considered a significant industrial user.
- 18) *Industrial wastes* shall mean the wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- 19) *Lot* means any lot or parcel of land defined by metes, bounds or boundary lines in a recorded deed or shown on a recorded plan or plat.

- 20) *May* is permissive.
- 21) *Multifamily residence structure* means any structure used or designed for more than one residential unit.
- 22) *Multiuse Structure* shall mean a structure, which combines residential, commercial and/or industrial activities, shall be deemed a multiuse structure.
- 23) *Municipal structure* means any structure owned or used by the Town of Tiverton.
- 24) *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- 25) *Person* shall mean any individual, firm, company, association, society, corporation or group.
- 26) *pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 27) *Project* means the construction, completion, extension, enlargement and improvement of the town sewer system.
- 28) *Properly shredded garbage* shall mean the wastes from the preparation, cooking and dispensing 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 one-half inch (1.27 cm) in any direction,
- 29) *Public sewer* shall mean:  
A sewer or sewer line that has been formally accepted as a public sewer by an official vote of the Authorized Agent.
- 30) *Replacement* shall mean expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.
- 31) *Residence structure* means any structure used or designed for occupancy as a single-family residence.
- 32) *Residential unit* means, with respect to any multifamily residence structure, an identifiable area used or designed for use as a separate living facility for one or more persons and having its own facilities for sanitary sewage (dwelling unit).
- 33) *Sanitary sewer* shall mean a sewer, which carries sewage, and to which storm, surface and groundwater are not intentionally admitted.
- 34) *Sewage* See Wastewater
- 35) *Sewer* means any main, pipe, lateral or other conduit in a street, highway, alley, right-of-way or easement, installed at a location and in accordance with specifications approved in advance by the town, to which sanitary sewage is directed by individual sewer service lines from structures having facilities for sanitary sewage.
- 36) *Sewer assessment area* means any area in the town with respect to which the Town

Council has determined that the structures or home sites located therein abut a street, highway, alley, right-of-way or easement in which any operating portion of the project may be located or are otherwise specifically benefited by any operating portion of the project.

- 37) *Sewer assessment structure* means any residence structure, multifamily residence structure, commercial structure, industrial structure, school or church structure and municipal structure, located on a home site, the construction of which was completed, or undertaken pursuant to a building permit issued, prior to the date such home site was designated a home site and the use or designed use of which generates or may result in the generation of sanitary sewage.
- 38) *Sewer assessment review board* means the Wastewater Management Commission that will review appeals under this chapter.
- 39) *Sewer service connection* (see building sewer)
- 40) *Sewer service cost* means the cost of maintaining, repairing and operating the sewer system (including reserves for such purposes and for renewals and replacements), the principal and interest on all sewer bonds and notes of the town when due, and any other expenses not otherwise provided for, which may arise under the enabling act, to the extent that moneys for the foregoing purposes are not otherwise provided.
- 41) *Sewer System Extension* means the construction of a public or private sewer line designed to receive sewerage from one or more building sewer connections excluding building sewers and building drains.
- 42) *Sewer use charges* means charges to cover sewer service costs.
- 43) *Shall* is mandatory.
- 44) *Slug* shall mean any discharge of water, sewage or industrial waste which concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 5 minutes, more than five times the average twenty-four-hour concentration or flows during normal operation and shall adversely affect the wastewater facility.
- 45) *Square feet* shall be determined, with respect to any sewer assessment structure, by measuring all internal areas of each floor (including basement where such basements are being utilized, or were designed or constructed in a fashion so that they may be used, for any lawful purpose to which such sewer assessment structure may be put, but excluding unused attics).
- 46) *Storm drain (sometimes termed "storm Sewer")* shall mean a sewer which carries storm waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 47) *Superintendent* shall mean the Wastewater Collection Superintendent of the wastewater collection and treatment system of the town, or his/her authorized deputy, agent or representative
- 48) *Suspended solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

- 49) *TK/N* is total Kjeldahl nitrogen.
- 50) *Town* means the Town of Tiverton
- 51) *Town Council* means the Town Council of the Town of Tiverton.
- 52) *Unpolluted water* is 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.
- 53) *User charge* shall mean a charge levied on users of a treatment works for the cost of operation and maintenance of such works.
- 54) *Wastewater or sewage* shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions (together with any groundwater surface water and storm water that may be present).
- 55) *Wastewater facilities* shall mean the structure, equipment and process required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- 56) *Wastewater treatment works* shall mean an arrangement of devices, systems, and structures including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and the extensions, improvement, remodeling, additions and alterations thereof for treating wastewater, industrial wastes and sludge.
- 57) *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- 58) *WPCF* shall mean the Water Pollution Control Federation.

*Sec. 18-1.4 Wastewater Management Commission.*

There shall be a Wastewater Management Commission whose members shall be appointed by the Town Council pursuant to section 1010 of the Town Charter and section (2-71 to 2-80) 18-1.4.1 of this Code. The Wastewater Management Commission shall elect one of their number as chairman and one as secretary.

*Sec. 18-1.4.1 Same—Purpose; powers and duties; adjustments.*

- (a) *Purpose.* The Wastewater Management Commission shall administer that portion of the town code entitled “Sewers and Sewage Disposal.” They shall advise and recommend to the Town Council on the design and implementation of a sewage system for the town and for the consideration of those programs relating to wastewater management, and any other duties provided for by the code of the town or the General Laws. They shall also hear appeals concerning the amounts of sewer assessments and other matters concerning wastewater and make advisory recommendations to the Town Council with regard thereto.
- (b) *Powers and duties.* Wastewater Management Commission

The Wastewater Management Commission shall oversee the operation of the town's wastewater collections system as the Superintendent manages it. Upon the recommendation of the Superintendent, they shall approve or reject all applications for sewer extensions, and shall then recommend to the Town Council acceptance of only those sewer extensions that meet the requirements set forth herein. They shall advise the Wastewater Superintendent on all issues related to wastewater management. Wastewater Management Commission shall hear appeals from landowners of record concerning the amounts of sewer assessments provided such appeals are properly filed in accordance with rules and regulations as promulgated by the board from time to time, and within 30 days of the mailing or publication of notice of such assessment to the landowner of record. The board shall also hear and decide appeals and such other appeals as are referred to it by the town council; provided, however, that the Town Council has conferred upon the board jurisdiction to hear such additional appeals. The board may hold hearings, administer oaths, receive testimony and exhibits and prescribe rules and regulations necessary to perform its function. The board may request the town solicitor to provide advisory opinions respecting such appeals and otherwise advise the board.

Notes:

1. (Notwithstanding any other duties and responsibilities of the Wastewater Management Commission, no part of the sewage system for the Town shall be constructed or extended without the approval of the Town Council, after consultation with the Planning Board).
  2. (see definitions for clarification of sewer system extension)
- (c) *Adjustments.* In the event the Wastewater Management Commission determines that an assessment is partially or wholly invalid, the board may make such adjustments as are necessary to replace the invalid assessment or portion thereof. The board shall notify the tax collector, the town clerk and the landowner of record of such adjusted assessment within five days of such adjustment. The adjusted assessment shall bear interest from the date that notice of such assessment was delivered to the town clerk.

## ARTICLE II. USE OF PUBLIC SEWERS WHERE AVAILABLE

### *Sec. 18-2.1 Unlawful discharges.*

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or objectionable waste. It shall be unlawful to discharge to any natural or manmade outlet within the town any wastewater or other polluted waters, except where in accordance with subsequent provisions of this chapter.

*Sec. 18-2.2 Use of privy, septic tank, etc.*

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, except as hereinafter provided.

*Sec. 18-2.3 Mandatory connection for buildings, properties.*

The superintendent is authorized to order the owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street or right-of-way in which there is now located a public sanitary sewer of the town, to install at owner's expense suitable toilet facilities therein, and to connect such facilities directly with the public sewer. Such connections shall be made in accordance with the requirements of the superintendent in accordance with article IV of this chapter within one year after official notice to do so, provided that said public sewer is abutting the property line.

Notwithstanding anything to the contrary herein, the Wastewater Management Commission, after a hearing on the matter and upon the recommendation of the superintendent, is empowered to waive this requirement for mandatory sewer connections if, for engineering or elevation considerations, or, in the event of extreme hardship, it is impractical to connect to the public sewer and such waiver does not otherwise harm the public health and safety.

*Sec. 18-2.4 Mandatory connection for car wash, laundry, etc.*

No person shall operate the business of a car wash, public laundry, automatic laundry or laundromat on any lot in the town unless such lot is served by a public sewer system or by a system which reclaims for reuse on the premises at least 80 percent of the water discharged from the washing facilities. This section shall not apply to any business, which shall have been in operation prior to adoption of this chapter and shall not apply to any gasoline station with a car wash stand to accommodate the washing of no more than one car at a time.

### ARTICLE III. PRIVATE WASTE DISPOSAL WHERE PUBLIC SEWERS NOT AVAILABLE

*Sec. 18-3.1 Private wastewater disposal.*

Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer shall be connected to private wastewater disposal system complying with the provisions of this article.

*Sec. 18-3.2 Compliance with state regulations.*

The type, capacities location and layout of a private wastewater disposal system shall comply with the Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems and amendments thereto, as adopted by the state Department Of Environmental Management, under the authority of Title 23, Chapter 19.5, Section 1 et seq. of the General Laws of 1956. A copy of approved ISDS application shall be provided to the superintendent.

*Sec. 18-3.3 Permit, inspection, notification.*

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the state Department Of Environmental Management.

*Sec. 18-3.4 Operation and maintenance.*

- a) The owner shall at all times operate and maintain all the private wastewater disposal facilities on his/her private property in a sanitary condition as is satisfactory to the superintendent at no expense to the town. No person shall deposit, nor allow to be deposited in the disposal facilities, swill rubbish or solid refuse matter other than feral matter.
- b) Every property owner and/or resident of the town shall be entitled to septage dumping of residential private sewage disposal system at a City of Fall River approved facility.

*Sec. 18-3.5 License for removal of sludge (Reserved).\**

\*Editor's note—b 18-3.5 has been reserved for future supplementation.

*Sec. 18-3.6 Expiration of permit and permit fees.*

Any permit to remove the contents of privy vaults, cesspools and septic tanks shall expire on the last day of the month of March following the date of issuance thereof, and may be revoked for good cause by the Town Council. The Town Council shall issue a permit to an individual upon the recommendation of the superintendent. Proof of a valid state permit and valid City of Fall River discharge permit must be filed with the Superintendent annually.

*Sec. 18-3.7 Tank truck requirements and hours of cleaning.*

All tank trucks shall be kept airtight and free from leakage. All apparatus used in the business shall be kept clean and well painted, and must have the name of the permittee upon it in plain letters, and be approved by the superintendent. No tank trucks shall be allowed to stand in any street except while in use.

*Sec. 18-3.8 Discharge requirements and fees.*

The contents of any permitted tank truck may be discharged into the wastewater treatment works of Fall River subject to available capacity provided that the contents include only wastes removed from the privies, cesspools or septic tanks located within the town and subject to the following rules and regulations:

- a) All permits shall be for the calendar year in which issued and shall expire on the last day of the month of March following the date of the issuance thereof. However, the superintendent may at any time suspend or revoke any such permit because of the violation by the holder thereof of the rules and regulations herein prescribed, or for other just cause of complaint.
- b) No industrial wastes of any kind will be discharged at any point within the wastewater treatment works.

- c) Samplings of wastes may or may not be required, before dumping, at the direction of Fall River.
- d) Wastes shall be discharged into the wastewater treatment works only at the septage receiving unit or other location as directed, by the superintendent of the Fall River facility.
- e) Such contents shall not contain any articles or substances, which may trend to injure any part of the wastewater treatment works.

#### ARTICLE IV. BUILDING SEWERS, SEWER EXTENSIONS AND CONNECTIONS

##### *Sec. 18-4.1 Permits.*

No connection of private property or proper sewer system shall be made until the owner of the land, or his duly authorized agent, has made application in writing to the superintendent for permission to make the same, and has been granted such permission.

- (a) There shall be two (2) classes of building sewer permits: (1) for residential service and (2) for service to establishments producing commercial and/or, industrial wastes. In either case, the owner shall apply using the form furnished by the town, shown in Appendix D. 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 shall be paid according to the current fee schedules maintained by the superintendent's office and established by the town council.
- (b) Upon approval of the application by the superintendent, the superintendent shall issue a permit for such installation to a duly licensed plumber or drain layer who has a state ISDS license. In addition, said plumber or drain layer shall be a registered Street Excavator with the town.

##### *Sec. 18-4.2 Separate and connecting building sewers.*

A separate and independent building sewer shall be provided for every building. 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, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. The rights appurtenant to such single connection or extension from a front building to a rear building shall be recorded with each of the respective deeds. No sewer service connection shall serve more than one building except by permission of the superintendent.

The superintendent may require manhole access or additional cleanouts or sewer flow metering. Location to be determined by superintendent.

*Sec. 18-4.3 Investigation of existing sewer service connections.*

An investigation of private sewers or drains and sewer service connections within the street limits laid previous to the adoption of this chapter may be made at the discretion of the superintendent to determine if such private sewers and sewer connections are properly located, laid at suitable gradient, in good condition, with proper and suitable appurtenances and in every way satisfactory to the superintendent.

*Sec. 18-4.4 Costs.*

All costs and expense incident to the installation and connections 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.

*Sec. 18-4.5 Extension of sewer system.*

There shall be three (3) instances where the extension of the sewer system shall be allowed.

1. A town planned and executed sewer extension.
2. An extension of the town planned sewer system within an already developed area, which is executed by a homeowner or a group or association of homeowners.
3. An extension of the public sewer system into a previously undeveloped parcel by a developer.

Any person developing a plat of land in the town shall at his own expense install sewer lines and service stubs or wyes in such plat and shall connect the same with the existing sewer system according to town-approved plans where the existing or the preplanned sewer system is within 200 feet of the development. Where the existing sewer system or the preplanned sewer system is beyond 200 feet or where no town-approved plans are available, each lot shall be designed insofar as feasible to permit the location of an individual sewage disposal system between the building site and the street.

Connection to the public sewer system shall be in compliance with the terms and conditions set forth in the following paragraphs:

- a) The entire cost of the installation of all sewer pipes to serve any such plat or any part thereof, shall be paid by the developer, homeowner, group or association of homeowners. The "entire cost" shall include the cost of full engineering and inspection services, both preliminary to and during the actual installation of such sewer pipes, and the costs of all materials, services, labor and supplies for constructing and laying out sewers and connecting the same with the Tiverton sewer system.
- b) The developer, homeowner or group or association of homeowners shall obtain approval of a proposed sewer extension from the Town Council who will seek advisory opinions from the Planning Board and the Wastewater Management Commission. Before proceeding with the installation of sewer lines in any such plat or any part thereof, the developer, homeowner or group or association of homeowners shall submit detailed plans and specifications to the superintendent relative to the proposed construction in

accordance with the standard construction details in Appendix A of this chapter. Upon approval by superintendent of such plans and specifications, the developer, homeowner or group or association of homeowners shall submit the name of a qualified sewer contractor to do the work, together with a breakdown of items, quantities and unit prices for the project. After investigating the qualifications of the proposed contractor and reviewing the breakdown submitted, the superintendent shall make the final determination whether to allow the contractor to proceed or to request that another contractor be submitted for approval.

- c) The construction and laying out of all sewer lines pursuant to this section shall be subject to the inspection of the superintendent. If at any time the superintendent shall determine that the construction and laying out of such sewer lines is not being performed in accordance with the plans and specifications as approved, he shall forthwith notify the developer to this effect in writing, who shall then order the suspension of all further work by and of payments to the contractor until such corrections are made as will produce complete compliance with the plans and specifications.
- d) Acceptance of a sewer or sewer line shall not be voted upon or entertained by the Authorized Agent until the same has been constructed and installed, according to a permit to construct and install the same, with respect to which appropriate inspections shall have been made according to the rules and regulations of the Wastewater Management Commission, and until such time as formal acceptance has been made, such sewer or sewer line shall remain a private sewer line, and not a public sewer or sewer line, for which neither the Wastewater Management Commission nor the town shall have any obligation to improve or maintain.
- e) All sewers and sewer lines other than a sewer or sewer line accepted as set forth according to the terms of subsection 18-4.5 (b) hereinabove, shall be deemed private sewers for which neither the Wastewater Management Commission nor the town shall have any obligation, including, without limiting the generality of the foregoing, the obligation to require payment for sewer user fees or charges, from those parties situated within the town who are now connected to the sewer system and whose connection to, and use of the City of Fall River sewer system, predates the enactment of this chapter.
- f) All sewers and sewer connections made directly to the sewer system of the City of Fall River, subsequent to the enactment of this chapter, shall be so made, pursuant to an application made to the City of Fall River on a form and in a manner prescribed by it, and to the Tiverton Wastewater Management Commission, on a form and in a manner, promulgated by the latter, pursuant to rules and regulations duly adopted, which shall require such users to pay all application fees applicable to Tiverton sewer connections. All such users shall pay the sewer user fees as assessed by the town of Tiverton.
- g) When a sewer or sewer line is proposed for construction and installation in a street or way that is appropriate for the purpose, notice shall be sent, in writing, postage prepaid, to all property owners abutting such street or way, if any there are or may be, advising them of the proposed construction, and their respective rights and potential obligations to connect to the sewer or sewer line.

- h) When a sewer or sewer line is constructed and installed as set forth in subsection 18-4.5 (b) hereinabove, and the same is accepted as a public sewer by the Authorized Agent as set forth herein, all property owners abutting such street or way, shall within one year of such acceptance of the public sewer, connect thereto at their sole cost and expense.
- i) All sewer lines constructed pursuant to the provisions of the preceding section shall become the property of the town. After such sewer lines have been connected with the public sewer, all the normal costs of operating and maintaining them shall be borne by the town. However, the town may back charge the contractor for all costs associated with defective equipment or sewer lines discovered within 12 months after acceptance. Such charges shall continue until the defective equipment or sewer lines are corrected.
- j) The developer of a new sewer line shall obtain easements granting the town rights and privileges to operate and maintain the sewer within the limits of all private property that the new sewer line traverses.

*Sec. 18-4.6 Sanitary Sewer Standards.*

The following design standards for sanitary sewers are considered acceptable:

- a) As a general rule, all sanitary sewers shall be designed as gravity sewers flowing to either the Mount Hope Bay Interceptor or to a pumping station owned and operated by the Town of Tiverton.
- b) Where it is not possible to reach the Town owned gravity sewers because of terrain considerations, ledge, contaminated soil, or other conditions within a proposed service area, the Town may allow the use of a gravity system discharging into a pumping facility which will pump the wastewater into the Town's existing sewer system. Consideration of such a facility shall be on a case by case basis. The overall need for such a facility in lieu of other viable options shall be proved by the developer to the satisfaction of the Town prior to the Town's preliminary approval of the project. The pumping facility shall be designed and installed under the supervision of an individual licensed as a Registered Professional Engineer in the State of Rhode Island. The work shall be in accordance with the Town's Standards and shall include all appurtenances necessary to establish a functional and acceptable facility as determined by the Town. Prior to acceptance of a new pumping station and the turnover of operation and maintenance from the developer to the Town, the developer shall operate the pumping station at his own expense for one (1) full year. Additionally, the developer shall pay to the Town a sufficient sum to defray all estimated operational and maintenance costs of the facility for a period of two (2) additional years after acceptance. The amount of this payment shall be based upon the operating expenses during the 1st year of operation, and an engineering estimate prepared by a Registered Professional Engineer in the State of Rhode Island detailing the projected costs for maintaining and operating the pumping station for a period of two additional years. The estimate shall be reviewed and approved by the Town. Said payment shall be in the form of a certified check payable to the Town. Upon successful completion of the steps outlined above, the Wastewater Collection Superintendent shall report to the Wastewater Management Commission who shall make the recommendation to the Town

Council to accept the new wastewater facilities.

- c) Proposed pumping facilities that are located on private property and which exclusively service new commercial and or industrial developments shall not be considered for acceptance by the Town. If required and installed, the ultimate ownership, operation and maintenance responsibilities of such a facility shall remain the responsibility of the property owner.
- d) Exceptions to this section must be approved by the Town Council.
- e) Where it is not feasible to install gravity sewers because of terrain considerations, ledge, contaminated soil, or other conditions or because of the small size of a proposed service area which is not accessible to the Town owned gravity sewer system, a low-pressure sewer system may be considered. Upon recommendation of the Superintendent, to the Wastewater Management Commission that a proposal for a low pressure sewer system is warranted, the Wastewater Management Commission may recommend said low pressure sewer system to the Town Council for approval. A low pressure sewer system shall only be considered for developments proposing fifty (50) or less dwelling units. The applicant seeking approval of a low pressure system must demonstrate to the satisfaction of the Superintendent and the Wastewater Management Commission that a conventional gravity sewer with a pumping station and force main is not suitable because of the small size of the proposed service area.
- f) At the juncture between a sewer and one of larger diameter, the inverts of the sewers shall be designed so that the peak flow lines match.
- g) Velocities greater than 12 feet per second (3.7 mps) or less than two feet per second (0.61 mps) when flowing will be unacceptable.
- h) Installing a smaller sewer downstream from a larger sewer in general will be considered unacceptable.
- i) Sewers of a diameter from eight inches (20.3 cm) through 21 inches (53.3 cm) shall be designed so that they are flowing at a depth no greater than six-tenths (0.6) times the diameter of the sewer at peak flow rates.
- j) Sewers of a diameter larger than 21 inches (53.3 cm) shall be designed so that they are flowing at a depth no greater than 0.7 times the diameter of the sewer at peak flow rates.
- k) Sewers shall be designed using a Manning's 'n' consistent with the pipe manufacturers recommended constant.
- l) No public gravity sewer shall be less than eight inches (20.3 cm) diameter.
- m) No public pressure sewer shall be less than one and one half inches 1 1/2 inches (3.8 cm) in diameter.
- n) Manholes for gravity systems shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet (121.4 m) or as approved by the superintendent.
- o) Manholes for gravity systems shall be constructed of precast reinforced concrete,

American Society for Testing and Materials Designation C478, latest edition; concrete masonry units, ASTM designation C139, latest edition; or as approved by the superintendent.

- p) PVC gravity (non-pressure) sewer pipe 4-inches through 15-inches diameter shall conform to ASTM D3034. PVC gravity sewer pipe 18-inches through 27-inches shall conform to ASTM F679. All pipe shall conform to an SDR of 35 or as approved by the superintendent.
- q) Pressure sewer pipe from 1-1/4-inches through 3-inches shall be SDR 21 PVC, SCH 40 PVC or SDR 11 HDPE pipe and shall be manufactured per the appropriate ASTM designation, or as approved by the superintendent. All pressure sewer pipe from 4-inch through 12-inch shall be manufactured to conform to AWWA C-900, or as approved by the superintendent.
- r) Low pressure sewer systems shall be equipped with cleanouts at the terminal end of mains, spaced every 750 linear feet on straight runs, wherever two or more mains come together and feed into another main, or as specified by the Superintendent.
- s) Low pressure sewer systems shall be equipped with air relief and/or vacuum relief valves at all high points or every 2,000 feet and at all significant changes in grade.
- t) All sanitary sewers and appurtenances shall be designed and constructed in accordance with WPCF Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers," latest revision.

*Sec. 18-4.7 Service Connection Standards.*

Sewer service connection from the public sewer to the street line shall be laid at such depth and gradient and in such location as the superintendent may determine. No sewer service connection shall serve more than one building, except by permission of the superintendent. All pipes shall have compression joints. The following design standards for building sewers, illustrated in Appendix A, are considered acceptable:

- a) Gravity pipes for building-sewers from the public sewer to the property line shall be six inches (15.2 cm) in diameter, but larger sizes may be required by the superintendent. Gravity building sewer pipes from the property line to the building drain shall be a minimum of four inches (10.2 cm) in diameter, but larger sizes may be required by the superintendent. All such pipes shall conform to section 18-4.6. Gravity building sewer pipes shall be laid with a minimum gradient of at least one-quarter inch per foot (2.1 cm/in). Such pipes shall be laid accurately to straight lines and gradients, except that junctions with public sewers shall be made at an angle, by installing a wye or tee as shown in the service connection detail (Ref. No. 6B in Appendix A of this chapter), such that flow from the building sewer shall not be opposite in direction to the flow in the public sewer. Where depth of the public sewer is such that a chimney is required (see sewer chimney detail, Ref. No. 6B in Appendix A for depth requirement and details) said chimney shall be installed per Appendix A. Special means for flushing and cleaning (cleanouts) in accordance with the particular requirements of the superintendent shall be

provided in the building sewer at 75-foot increments, at all significant changes in direction and at the property line as otherwise required by the superintendent. The connection of the building sewer into the public sewer shall be made at the wye or tee branch if such branch is available at a suitable location. If no branch is available, a connection must be made by tapping the existing sewer by an approved method, then inserting an approved wye or tee saddle, all encased in concrete. Approval of the tapping method and saddle shall be made by the superintendent.

- b) Pressure building sewer pipes from the public sewer to the property line shall be a minimum of 1 ¼ - inches (3.2 cm) in diameter, but larger sizes may be required by the Superintendent. Pressure building sewer pipes from the property line to the grinder pump shall be a minimum of 1 ¼ - inches (3.2 cm) in diameter, but larger sizes may be required by the Superintendent. Such pipes shall be laid straight and true to the greatest degree practicable. Special means for flushing and cleaning (cleanouts) shall be provided at 200 foot increments and at all significant changes in direction. A cleanout and a suitable shutoff valve with curb box installed to grade shall be provided at the property line.
- c) No service pipes for other utilities, such as water, gas and the like, whether town-owned or privately owned, shall be laid in the same trench with a building sewer, except by written approval of the superintendent.

*Sec. 18-4.8 Approval of sewage pumps.*

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 means of a sewage pump, and discharged to the building sewer, upon approval of the superintendent. However, the town shall have no responsibility for the operation and maintenance of said equipment.

*Sec. 18-4.9 Prohibited connections.*

No person shall make or keep a 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.

*Sec. 18-4.10 Requirements for connection.*

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town and/or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, latest edition. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

*Sec. 18-4.11 Requirements for excavation.*

All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Department of Public Works in accordance with the street opening permits and regulations.

*Sec. 18-4.12 Inspection of connection.*

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent. At no time shall the excavation be backfilled before the superintendent or his designee has approved the connection.

*Sec. 18-4.13 Discontinuance of use.*

Whenever any user under this article shall cease operation, notice shall be given to the superintendent and the waste lines employed by such user shall be sealed under the supervision of the superintendent.

*Sec. 18-4.14 Sewer service under unusual conditions.*

- a) Where an abutting town has installed sewer lines to serve their residents and possibly Tiverton residents, and where said sewer flows into the Tiverton system, said residents served shall pay the annual sewer assessment fee to help defray the operation and maintenance cost of the wastewater facilities.
- b) Where industries are located either in Tiverton or in an abutting town and where industries are to be served by reciprocal agreements, then under these cases agreements must be drawn and approved by the Tiverton Town Council and the City of Fall River Sewer Commission.

*Sec. 18-4.15 Removal/fill of existing septic tanks.*

Whenever a steel septic tank is disconnected and/or abandoned, the steel tank shall be pumped, removed and properly disposed of. The remaining hole shall then be filled in with suitable material.

Whenever an existing concrete septic tank or cesspool is disconnected and or abandoned, the concrete tank or cesspool pit shall be pumped, abandoned in place or removed and properly disposed of. The remaining hole shall be filled in with suitable material.

*Sec. 18-4.16. Guarantee of Performance and Inspection and Maintenance of Improvements.*

## 1) Definition and purpose:

- a) An improvement guarantee is a security instrument accepted by the town to ensure that all improvements, facilities or work required under these regulations, or as a

- condition of approval of a sewer line by the Town, will be completed in compliance with the approved plans and specifications. The term "improvements" as used herein may be public improvements, as well as private or other improvements required under these regulations. Only those improvements designated as public will the town ultimately accept for ownership and maintenance responsibility.
- b) An improvement guarantee shall consist of three parts, the legal agreement binding the developer to perform the required improvements, the construction surety, which is money or security the developer provides to guarantee the performance, and the maintenance surety, which is funding provided to the town for use in performing maintenance of wastewater facilities that may be ultimately accepted by the town for ownership.
- 2) Improvement guarantee requirements.
- a) Prior to the approval of any wastewater plan by the Town, the Town shall approve agreements with the developer for the completion of all required improvements. Such agreements shall include:
    1. Grants of easements
    2. Improvement guarantees
  - b) All construction shall be inspected and approved according to the procedures contained in paragraph 4 below and shall follow the time periods specified in the approval. Following certification in writing of the final completion of all improvements by the Wastewater Collection Superintendent, the wastewater facility shall be approved by the Wastewater Management Commission. The Wastewater Management Commission shall then recommend to the Tiverton Town Council that the wastewater facilities be accepted by the Town. Upon such acceptance by the Town Council, and after any warranty period, the Town shall assume operation and maintenance of the improvement.
  - c) In the cases of developments which are being approved and constructed in phases, the Wastewater Collection Superintendent shall specify improvement guarantee requirements related to each phase.
- 3) Procedure for setting and use of improvement guarantees.
- a) Construction improvement guarantees shall be in an amount sufficient to secure for the town the actual construction and complete installation of all required improvements within three years. The improvement guarantee shall contain all necessary conditions to ensure satisfactory completion of the project. The amount shall be based on cost estimates for the proposed public wastewater facilities, as provided in writing from the developer and subject to review and approval by the Wastewater Collection Superintendent. The Wastewater Management Commission shall add a fifteen percent (15%) contingency fee and may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate future economic or construction conditions.
  - b) The construction surety shall be in the form of cash, a certified or bank check, or bank book payable to and in a satisfactory form to the Town of Tiverton and shall be

deposited upon receipt in an account for that purpose. Surety may also be in the form of a irrevocable letter of credit payable to the Town of Tiverton and containing terms and conditions satisfactory to the Town. Said surety shall be used by the Town in the event of default by the developer, and shall be held by the Town until release by the Wastewater Management Commission.

- c) The Wastewater Collection Superintendent, shall be responsible for monitoring the status of all ongoing development with regard to construction, inspection and performance guarantee status, and will advise the Wastewater Management Commission appropriately.
  - d) The Town of Tiverton shall hold the developer and construction surety in default of guarantee should one or more of the following occur:
    - 1. Failure to meet all specifications for construction of required improvements to the land;
    - 2. Failure to properly notify the Wastewater Collection Superintendent of the initiation and completion of all phases of construction of required improvements, or to obtain the necessary inspections of these improvements as required in paragraph 4 below;
    - 3. Failure to protect existing improvements and/or properly repair such improvements should damage occur during construction, or;
    - 4. Failure to clean debris from the site and adjacent areas upon completion of the construction, or;
    - 5. Failure to complete required improvements to the land within the time prescribed, or within any extension granted by the Wastewater Management Commission.
  - e) Upon notification of default by the Wastewater Collection Superintendent, the Wastewater Management Commission shall utilize the construction surety necessary to correct the deficiencies for which the developer is deemed to be in default, and shall cause the required improvements to be completed in a satisfactory manner.
  - f) The maintenance surety shall be in a form as described in paragraph 3 a and b above and in an amount sufficient to perform inspection and maintenance consistent with the procedures contained in paragraph 4 below, for a period of time as deemed appropriate by the Wastewater Management Commission, but not to exceed two years. The maintenance surety shall be in the form of a certified or bank check, bank book or irrevocable letter of credit payable to the town as described in paragraph 3a and 3b above. The town shall have sole control over the funds thereafter for use in executing the maintenance of wastewater facilities.
- 4) Inspection of improvements.
- a) A minimum of three (3) complete sets of all construction plans, profiles, cross sections or other working drawings of required improvements to the land together with a schedule of construction activities shall be submitted to the Wastewater Collection Superintendent prior to the start of any construction; these plans shall consist of either the final plans approved by the Wastewater Management Commission or plans approved by the Wastewater Management Commission for construction.

- b) The Wastewater Collection Superintendent shall be so notified in writing at least two (2) weeks prior to commencement of construction activities. A copy of the letter shall also be sent to the Wastewater Management Commission. The Wastewater Collection Superintendent shall be further notified verbally at least 24 hours prior to the start of any specific construction activity. All work shall be performed during the Town's work week and hours of operation.
  - c) Upon completion of the required improvements, the developer shall notify the Wastewater Collection Superintendent, who shall conduct a detailed inspection of the completed work. Upon determining that the improvements have been completed in a satisfactory manner, Wastewater Collection Superintendent shall prepare a written report to be transmitted to the Wastewater Management Commission stating that such improvements have been constructed or installed.
  - d) Improvements initiated prior to Wastewater Management Commission approval shall be at the risk of the applicant/developer.
- 5) Submission of as-built drawings.  
Upon the completion of construction and the installation of the wastewater facilities, the developer shall furnish two complete sets and one electronic copy (in a format acceptable to the Wastewater Collection Superintendent) of as-built drawings of the installed wastewater facilities to the Town. All as-built drawings shall contain the information specified by the Wastewater Collection Superintendent in the project approval letter and shall be signed by a registered land surveyor or a registered professional engineer, as appropriate.
- 6) Acceptance of improvements and release of surety.
- a) Based upon the substantial completion of work as set forth in the schedule of construction activities and the submittal of a written report by the Wastewater Collection Superintendent to the Wastewater Management Commission, the developer may be eligible for a release of a portion of the surety. The amount to be released shall be based upon a cost estimate of the remaining work prepared by the developer and reviewed by the Wastewater Collection Superintendent. This estimate plus the original 15 percent contingency fee shall be retained as construction surety. The Wastewater Collection Superintendent may require a release of lien for all materials and subcontractor work as a condition of the surety reduction.
  - b) Upon inspection and approval of the construction of all improvements (including all paving as approved by the Director of Public Works) by the Wastewater Collection Superintendent, and receipt of the written report by the Wastewater Collection Superintendent, the Wastewater Management Commission shall notify the developer that he will be eligible for the release of the remaining surety after a minimum period of one year, which shall include one continuous winter season.
  - c) Upon receipt of a written final inspection and approval report by the Wastewater Collection Superintendent and the Director of Public Works, the Wastewater Management Commission shall recommend to the Tiverton Town Council that all public improvements be accepted by the Town. Upon acceptance of the improvements by the Town Council, the remaining surety shall be released. The full release of the surety shall be conditioned upon the following:

1. The faithful completion of all required improvements within a three-year period, as well as the expiration of all required waiting periods as described below;
  2. Payment of all invoices issued by the Wastewater Management Commission to cover the cost of the required inspections;
  3. Receipt by the Wastewater Management Commission of copies of any Department of Environmental Management and/or Coastal Resources Management Council final inspection reports or approvals;
  4. Submittal of accurate as-built drawings; and
  5. Acceptance of all public improvements by the Town of Tiverton,
- d) If, due to circumstances beyond the control of the developer, the required improvements are not completed within the prescribed three-year period the Wastewater Management Commission may grant a time extension. During such time extension, the guarantee shall remain in full force.
- e) The release of a maintenance surety, minus any allocated funds, shall occur when the Wastewater Collection Superintendent determines that the wastewater facilities have been operating in a satisfactory manner for the specified minimum period, however, such remaining surety may not be held for a period of longer than five years from the date at which it was issued. If operating funds remain in the account at the end of the surety period, as determined by the Wastewater Management Commission, based upon a report of the Wastewater Collection Superintendent, the excess funds shall be returned to the developers.

## **ARTICLE V. RATE AND QUALITY OF WASTEWATER DISCHARGED INTO PUBLIC SEWERS**

### *Sec. 18-5.1. Inadmissible waters.*

Stormwater, groundwater, roof drainage, street drainage, yard drainage or subsurface drainage shall not be discharged through direct or indirect connections to the public sanitary sewer of the town.

### *Sec. 18-5.2. Unpolluted waters.*

Unpolluted water, including but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers shall be discharged to such sewers as are specifically designated as storm drains or to a natural outlet upon receiving approval from applicable local, state and federal agencies as required.

### *Sec. 18-5.3. Garbage grinder wastes.*

Garbage grinders must shred waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.

*Sec. 18-5.4. Discharge into public sewers/pretreatment requirements.*

- 1) *Purpose and policy.* This section sets forth uniform requirements for users of the Town of Tiverton wastewater collection system which discharges into the Fall River POTW, which enables the town and the city to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403) and also enables the town and the city to comply with the city's NPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter and guidance documents referenced in this chapter, shall have the meanings hereinafter designated.

- a) *Act or the Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- b) *Approval authority.* The EPA Regional Administrator is the approval authority as cited in 40 CFR 403.3(c).
- c) *Authorized representative of the user.*
  - 1. If the user is a corporation:
    - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - 2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
  - 3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
  - 4. The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the town.
- d) *Biochemical oxygen demand (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days; at 200 centigrade, usually expressed as a concentration (milligrams per liter (mg/l)).

- e) *Categorical pretreatment standard or categorical standard.* Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405—471.
- f) *Town.* The Town of Tiverton and its duly authorized representatives.
- g) *COD (denoting chemical oxygen demand).* The quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures in accordance with the latest edition of Standard Methods For the Examination of Water and Wastewater as published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.
- h) *Color.* The optical density at the visual wave length of maximum absorption, relative to distilled water. 100 percent transmittance is equivalent to zero optical density.
- i) *Composite Sample.* The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- j) *Daily average limit.* The highest allowable concentration for any pollutant in a waste stream discharged during any one day by a user based upon a composite sample, or in the case of a batch discharge, based upon a grab sample.
- k) *The enforcing authority.* The town or any agent judiciously appointed by the town.
- l) *Environmental Protection Agency (EPA).* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- m) *Existing source.* Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- n) *Grab sample.* A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- o) *Indirect discharge or discharge.* The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.
- p) *Industrial waste or wastewater.* Any liquid, gaseous, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.
- q) *Interference.* A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II

commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; (and the Marine Protection, Research, and Sanctuaries Act).

- r) *Medical waste.* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- s) *New source.*
  - 1. 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 which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - c. 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.
  - 2. 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 Section 1b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
  - 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    - a. Begun, or caused to begin as part of a continuous on-site construction program:
      - (i) Any placement, assembly, or installation of facilities or equipment; or
      - (ii) 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
    - b. 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, engineering, and design

studies, do not constitute a contractual obligation under this paragraph.

- t) *Non-contact cooling water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is useable for other processing purposes.
- u) *Pass through.* A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge of discharges from other sources, is a cause of a violation of any requirement of the City of Fall River's NPDES permit (including an increase in the magnitude or duration of a violation).
- v) *Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.
- w) *pH.* A measure of the acidity or alkalinity of a substance, expressed in standard units.
- x) *Pollutant.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor).
- y) *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).
- z) *Pretreatment program.* A program to control industrial and commercial wastewater discharges that meets the federal requirements denoted as 40 CFR 403 which has been approved by the Environmental Protection Agency.
- aa) *Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- bb) *Pretreatment standards or standards.* Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- cc) *Prohibited discharge standards or prohibited discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in subsection (3) of this section.
- dd) *Publicly owned treatment works (POTW).* A "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Town or City of Fall River. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also

- means the town sewage works.
- ee) *Septic tank waste or septage*. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
  - ff) *Sewage*. Human excrement and gray water (household showers, household dishwashing operations, etc.)
  - gg) *Significant industrial user*.
    - 1. A user subject to categorical pretreatment standards; or
    - 2. A user that:
      - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, no-contact cooling, and boiler blow-down wastewater); or
      - b. Contributes a process wastestream which makes up five percent 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's operation or for violating any pretreatment standard or requirement.
    - 3. Upon a finding that a user meeting the criteria in subsection 2 above 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 a user (and in accordance with procedures in 40 CFR 403.8(ID (6))) determine that such user should not be considered a significant industrial user.
  - hh) *Slug load*. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in subsection (3) of this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
  - ii) *Standard Industrial Classification (SIC) Code*. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
  - jj) *Storm water*. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
  - kk) *Suspended solids*. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
  - ll) *Toxic pollutant*. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act.
  - mm) *Treatment plant effluent*. The discharge from the POTW into waters of the United States.

- nn) *User or industrial user.* A source of indirect discharge. An industrial discharger to the POTW.
- oo) *Wastewater* Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- pp) *Waste water treatment plant or treatment plant.* That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.
- qq) *The use of the singular* shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

1) *Abbreviations.*

- a) The following abbreviations shall have the designated meanings:

BOD-	Biochemical oxygen demand
CFR-	Code of Federal Regulations
COD-	Chemical oxygen demand
EPA-	U.S. Environmental Protection Agency
gpd -	gallons per day
l-	Liter
mg -	Milligrams
mg/l-	Milligrams per liter
NPDES-	National pollutant discharge elimination system
O&M-	Operation and maintenance
POTW-	Publicly owned treatment works
RCRA-	Resource Conservation and Recovery Act
SIC -	Standard industrial classifications
SWDA-	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS -	Total suspended solids
USC-	United States Code

2) *Prohibited discharge standards.*

- a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- b) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140~ F (60~ C) using the test methods specified in 40 CFR 261.21;
  2. pH
    - a. Wastewater having a pH less than 5.5 or otherwise causing corrosive structural

damage to the POTW or equipment.

- b. If a continuous pH chart recorder is being used, any occurrence of pH over 10.5 but under 11.0 for a period of 30 minutes or more per day is prohibited. Any pH occurrence over 11.0 is prohibited. If a continuous pH chart recorder is not being used, any occurrence of pH over 10.5 is prohibited. At no time shall any discharge cause the pH of the influent at the POTW head works to go above 10.5.
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference ~but in no case solids greater than one-half inch or 0.39 centimeter (0.39 cm) in any dimension);
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater having a temperature greater than 130.0 F (54.50 C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104.0 F (40.0 C);
6. Petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or any other oil, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the town,
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the commissioner in compliance with applicable state or federal regulations;
11. Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;
12. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
13. Medical wastes, except as specifically authorized by the enforcing authority in a wastewater discharge permit;
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
15. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

16. Septage or septage byproducts from haulers or other dischargers except as specifically approved by the enforcing authority

Pollutants substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

- c) Federal categorical pretreatment standards. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405—47 1 are hereby incorporated and applicable for those industries defined as categorical industries within the town.
- d) *State requirements*, State pretreatment standards located at 314 CMR 7.00, 12.00, and 12.08 are hereby incorporated and are applicable to all users of the Tiverton sewer system.
- e) *Local limits*. The following pollutant limits are established to protect against pass through and interference. No person shall discharge into the POTW any waters or wastes containing concentrations of the following materials in excess of the following daily average limits:

0.30	mg/l	cadmium
2.24	mg/l	chromium (total)
0.54	mg/l	copper
2.0	mg/l	cyanide
4.0	mg/l	lead
0.01	mg/l	mercury
1.43	mg/l	nickel
0.1	mg/l	silver
2.2	mg/l	zinc
350	mg/l	total suspended solids
100	mg/l	oil and grease (animal or vegetable origin)
130° Fahrenheit		Temperature
5.5 SU to 11.5 SU		pH

All concentrations for metallic substances are for ‘total’ metal unless indicated otherwise. The town may impose mass limitations in addition to (or in place of) the concentration-based limitations above.

- f) *Special agreement*. The town reserves the right to enter into special agreements with users setting out special terms and/or discharge limits under which they may discharge to the POTW.
- g) *Dilution*. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an

- applicable pretreatment standard or requirement. The town may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.
- h) *Pretreatment of wastewater.* Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards (if applicable) and local discharge limits. Any facilities required to pretreat wastewater to a level acceptable to the town 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. As built plans of such facilities shall be retained on-site, by the user, for inspection as necessary.
- i) *Accidental discharge/slug control plans.* The enforcing authority may require any user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years, the enforcing authority shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/control slug plan shall submit a plan that addresses, at a minimum, the following:
1. Description of discharge practices, including non-routine batch discharges;
  2. Description of stored chemicals;
  3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in section 19-152 of this chapter; and
  4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- j) *Wastewater discharge permit requirements.*
1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the town. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in Sections 170 through 172 of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
  2. The enforcing authority may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of

this chapter.

- k) *Wastewater discharge permit application.* All significant industrial users and others required to do so by the enforcing authority, must apply for a Tiverton wastewater discharge permit by submitting the application to the superintendent. Such application for a sewer discharge permit shall document that the user meets the requirements set forth in 314 CMR 7.00.
- l) *Wastewater discharge permit duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period of less than five years, at the discretion of the town. Each wastewater discharge permit shall indicate a specific date upon which it will expire.
- m) *Wastewater discharge permit transfer.* Wastewater discharge permits may be re-assigned or transferred to a new owner and/or operator only if the permittee gives at least 90 days advance notice to the town and the town approves the wastewater discharge permit transfer. The notice to the town must include a written certification by the new owner and/or operator which:
  - 1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - 2. Identifies the specific date on which the transfer is to occur; and
  - 3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.
- n) *Wastewater discharge permit revocation:* Wastewater discharge permits may be revoked for, but not limited to, the following reasons:
  - 1. Failure to notify the town of significant changes to the wastewater prior to the changed discharge;
  - 2. Failure to provide prior notification to the town of changed condition pursuant to this chapter;
  - 3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - 4. Falsifying self-monitoring reports;
  - 5. Tampering with monitoring equipment;
  - 6. Refusing to allow the town timely access to the facility premises and records;
  - 7. Failure to meet effluent limitations;
  - 8. Failure to pay fines;
  - 9. Failure to pay sewer charges;
  - 10. Failure to meet compliance schedules;
  - 11. Failure to complete a wastewater survey or the wastewater discharge permit

application;

12. Failure to provide advance notice of the transfer of a permitted facility; or
  13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.
  14. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
- o) *Report of changed conditions.* Each user must notify the enforcing authority of any planned significant changes to the users operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.
- p) *Analytical requirements.* All pollutant analyses, including sampling techniques to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. Except where the town has approved a certified QA/QC program, all analyses must be performed by a state DEP certified lab.
- q) *Sample collection.*
1. Except as indicated in subsection (b) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the town may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
  2. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.
- r) *Record keeping.* Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

All recorded charts shall include the date and time of the recording and the name of the person responsible for monitoring the recorder.

These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user

- or POTW, or where the user has been specifically notified of a longer retention period by the city.
- s) *Compliance monitoring; inspection and sampling.* The enforcing authority shall have the right to enter the facilities of any user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the town ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the enforcing authority will be permitted to enter without delay for the purposes of performing specific responsibilities.
  2. The enforcing authority shall have the right to set up on the users property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations
  3. The enforcing authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as required to ensure their accuracy.
  4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the enforcing authority and shall not be replaced. The costs of clearing such access shall be born by the user.
  5. Unreasonable delays in allowing the enforcing authority access to the user's premises shall be a violation of this chapter.
- t) *Self-monitoring/reporting.* Any user of the town POTW shall perform, if deemed necessary by the enforcing authority, effluent analytical tests. The effluent analysis and frequency thereof shall be performed on those parameters judged necessary by the enforcing authority. A self-monitoring report shall be compiled, by the user, that contains the results of the aforementioned analysis, volume of the wastewater discharged during the reporting period and a narrative describing the current status of the user's wastewater operations. The self-monitoring report shall be submitted to and using the protocol established by the enforcing authority.
- u) *Administrative enforcement remedies.* Punitive and enforcement actions resulting from a sewer user's noncompliance with any section of this chapter may be implemented by the enforcing authority in accordance with the town Wastewater Management Commission enforcement response plan guidance document.
- v) *Penalty general.* Any person found to be violating any provision of this chapter shall be served by the town 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.

- w) *Failure to correct violations.* Any person who shall continue any violation beyond the time limit provided for herein shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500.00 for each violation, Each day in which any such violation shall continue shall be deemed a separate offense. The town municipal court shall have jurisdiction over violations of this chapter.

*Sec. 18-5.5 Grease, oil 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 grease in excessive amounts, or any flammable wastes, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall be provided at restaurants and all other public eating places. Where grease and oil interceptors are required to be installed, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

*Sec. 18-5.6 New discharges and changes in discharges.*

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. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, wastewater treatment works or treatment processes.

*Sec. 18-5.7 Metals discharge limits.*

No person shall discharge wastewater containing metals in excess of the following levels:

<i>Constituent</i>	<i>Milligrams per liter</i>
Cadmium	0.30
Total chromium	2.24
Copper	0.54
Lead	4.0
Mercury	0.01
Nickel	1.43
Silver	0.1
Zinc	2.2

*Sec. 18-5.8 Town-industry agreements.*

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore, provided that said agreements do not contravene any requirements of existing federal laws and are compatible with any user charge and industrial cost recovery system in effect.

**ARTICLE VI. SEWER BETTERMENT ASSESSMENT CHARGES***Sec. 18-6.1. Findings.*

- 1) Chapter 9 of the Public Laws of Rhode Island, of 1979 as amended, authorizes the Town Council to assess a portion of the initial cost of the construction, completion and extension of Tiverton's sewer system by means of a sewer betterment assessment.
- 2) Improved real estate, which has direct access to the sewer system, will receive a particular and special benefit upon the completion of the sewer project. The minimum amount of such benefit is hereby determined to be announced for each single-family dwelling so benefited. Real estate which is improved with multifamily dwellings, commercial establishments, industry and nonprofit churches and schools will derive increased particular and special benefits corresponding to increased occupancy capacity of the structures utilized for such purposes, and may be charged a higher sum, per section 18-6.4.
- 3) Unimproved lots that front a street with a sewer and are buildable will be assessed the regular amount per home site. The property owner may declare multiple lots to be one home site. However, if the original "home site" is subsequently divided, assessment charges will be imposed in accordance with the intent of section 18-6.3(2). The charge shall then be assessed for each subsequently divided lot, as if due from date of the first assessment herein authorized.
- 4) If in the judgment of the Town Council, an area requires sewers, the Town Council may assess a sewer betterment upon all lots with direct access to the aforementioned sewers, which will derive a benefit by the construction of the sewers. The sewer betterment assessment may pay any or all costs associated with the construction of the sewers including but not limited to legal fees, bonding, engineering, and construction.
- 5) A group or association of homeowners within an area or neighborhood of the town may petition the Town to construct sewers within their area or neighborhood. A majority of property owners (greater than 50 percent) must sign the petition within an area or neighborhood before the Town will act on the petition. The Town shall assess a sewer betterment sufficient to pay all costs of said construction resulting from the petition, including but not limited to legal fees, bonding, engineering, and construction shall be borne

by the all lots located within the area or neighborhood which will derive a benefit by the construction of the sewers.

**Sec. 18-6.2. Sewer betterment assessment and construction costs.**

- 1) The Town Council hereby levies a sewer assessment with respect to each sewer assessment structure or home site in the Town of Tiverton. Such assessment shall take effect upon the completion of the requirements of section 18-6.5 hereof.
- 2) The amount of such sewer assessment with respect to each sewer assessment structure or home site shall be the total amount derived from the following list with respect to each separate sewer assessment structure or home site. Listed item costs and fees are established by resolution of the Town Council and are available in the offices of the town clerk or the wastewater management commission.
  - a) Residence structure.
  - b) Multifamily residence structure containing two residential units.
  - c) Multifamily residence structure containing more than two residential units.
  - d) Commercial structure (up to 10,000 square feet).
  - e) Commercial structure (for each additional 10,000 square feet or major fraction thereof).
  - f) Industrial structure (up to 10,000 square feet).
  - g) Industrial structure (for each additional 10,000 square feet or major fraction thereof).
  - h) Church or school structure (up to 5,000 square feet).
  - i) Church or school structure (for each additional 5,000 square feet or major fraction thereof).
  - j) Multi-use structure: The amount charged shall be the sum of the charges for the components, per above paragraphs.
  - k) Vacant lots,
- 3) Abutting lands to sewer lines that are constructed at the expense of a developer or individual landowner without any contributing town costs are not assessed any construction charge.

*Sec. 18-6.3. Sewer betterment assessment roll.*

- 1) At such time as the authorized agent shall by resolution authorize the sewer assessment, the tax assessor shall certify to the town clerk a sewer assessment roll of all sewer assessment structures within such area, The board of assessors, employing a method similar to that provided by the provisions of title 44, chapter 5, General Laws of 1956 used to assess real and personal property tax shall, on the 31st day of December, at 12 o'clock midnight, add the properties joining the sewer system in the year prior to the December 31st assessment date, and upon completion of said assessment, date, certify and sign the same and deliver to and deposit with the town clerk's office, on or before the 15th day of June of the year following.
- 2) Such sewer assessment roll shall, with respect to each sewer assessment structure or home site lot thereon, name the owner of the estate so assessed, the lot and plat number, the

category of sewer assessment structure or structures thereon, and the amount of the sewer assessment thereon.

- 3) The town clerk, upon receipt of said assessment, shall forthwith make a copy of the same and deliver it to the town treasurer, who shall forthwith issue and affix to said copy, a warrant under his hand directed to the collector of taxes of said town, commanding said tax collector to proceed to collect said assessments of the persons and estates liable therefore. Said assessment, when paid in one installment shall be due and payable on the first day of August of the year following. Payments not made in one installment may be made quarterly over a 20 year period. These payments shall be due on the first day of July and October of the first half and the first day of January and April in the second half of each fiscal year following. Quarterly payments shall be assessed interest on the unpaid balance, at a rate per annum to be ordered by Town Council resolution.
- 4) The tax assessor's office will prepare the assessment roll for each new addition to the sewer system that is constructed by the town, or for subdivisions of any estate.
- 5) Structures housing private sewer lines connected to the City of Fall River sewer system and the owner(s) of which are paying customers of record of the said Fall River system, and who or which have paid assessments, if any, sewer user fees and the like to the said City of Fall River for the privilege of being tied to the said Fall River sewer system, then such owner(s) and their respective property shall be exempt from the payment of the sewer assessment imposed by reason of this section of this ordinance, but in order for an owner to be eligible for an exemption from payment, documentary proof shall be provided to the sewer commission that any or some of the above charges and the like have been paid to the City of Fall River sewer system.
  - a) Any structure or property having, or being served by an ISDS, which ISDS has been constructed, installed or reconstructed within five years of the time when a public sewer line is installed in the street, either fronting the property, the sides, or the rear thereof shall, nevertheless, be subject to a sewer assessment, but, upon application to the Wastewater Management Commission by an owner fitting within the definition hereof, timely made, shall, be allowed to defer such payment of the same, for a reasonable period of time, not to exceed five years, from the date that the construction and installation of the ISDS was completed. If a connection is made to the public sewer system, within the aforementioned time period, at which time of connection, the applicable assessment shall be due and payable pursuant to the terms of this ordinance. Such structure or property may also be allowed to defer connection to the sewer system for a period not to exceed five years from the date of completion of the ISDS system This provision recognizes the right of property owner(s) to defer as set forth above, from the payment of the sewer assessment, and connection to the sewer in those instances, where substantial costs and expenses have been incurred by such owner(s) with respect to an ISDS. Notwithstanding the above, the Town Council may modify the above requirements depending upon grant funding requirements.
- 6) All assessments so collected pursuant to the terms of this ordinance, shall be deposited in a special account, to be in the custody of the treasurer of the Town of Tiverton, the sole purpose of which account, shall be for the expenditure of funds therefrom for the

maintenance, engineering, replacement, expansion and construction of the Tiverton sewer system, and shall not become a part of the general fund of the Town of Tiverton.

- 7) An annual administrative charge to be set by the Town Council with recommendation by the Wastewater Management Commission shall be imposed against all property served by public sewer systems and private sewer systems with respect to which the Tiverton Wastewater Management Commission has jurisdiction. The billing for the first period of the annual billing cycle, sent to each owner(s) responsible for payment, shall contain the annual administrative charge.

*Sec. 18-6.4. Recording of sewer betterment assessment roll.*

Upon receipt of such sewer assessment roll from the tax assessor, the town clerk shall endorse the date of delivery thereof and record the same as a public record.

*Sec. 18-6.5. Collection of and lien for sewer betterment assessment.*

- 1) From the date of delivery to the town clerk of the sewer assessment roll, the amount of such assessment, including any interest that may accrue thereon, shall constitute a debt payable to the town by the owner or owners of the sewer assessment structure, or home site so assessed and a lien upon each sewer assessment structure or home site so assessed on a parity with the lien for town taxes until paid in full. Such lien shall not be subject to termination under Section 44-9-1 of the General Laws as amended.
- 2) The tax collector shall have the same power to collect such assessments and interest from the owner or owners of the estates.

*Sec. 18-6.6. Notice of sewer betterment assessment.*

Prior to or forthwith after delivery to the town clerk of a copy of such sewer assessment roll, the tax collector shall cause notice to be sent to owner or owners of each sewer assessment structure or home site to which a sewer assessment has been made. Such notice shall be sent as prescribed by Section 12 of the enabling act.

*Sec. 18.6.7. Payment of sewer betterment assessment.*

- 1) Each sewer assessment hereunder shall be payable in equal annual installments over a period of twenty (20) years with interest charged at an interest rate to be set, from time to time, by the town council.
- 2) The whole sewer assessment against any owner or estate may be prepaid without interest any time prior to the due date to the first installment thereof.
- 3) If any such sewer assessment which is not so prepaid is paid in full before the expiration of twenty (20) years, there shall be an equitable adjustment of the interest charged so that interest will be paid only on the unpaid balance of such assessment for the period up to such payment in full.
- 4) Any owner of an estate who shall become delinquent in payment of his assessment shall be

charged at a rate equal to the rate for delinquent real estate taxes, as that may be established by the Town Council from time to time.

- 5) Any person aggrieved by any such assessment may within thirty (30) days after the mailing or publication of notice to him file a petition for relief to the wastewater management commission. If the board finds such assessment invalid in whole or in part, it shall give judgment reducing the amount thereof or for a refund accordingly. The filing of such a petition shall not relieve the estate involved from the lien hereinabove provided for or prevent the assessment becoming due as provided in this section but the final judgment of the board reducing such assessment in whole or in part shall produce such lien and the amount due accordingly.

*Sec. 18-6.8. Appeals—Rules of procedure.*

The following procedures shall be followed by landowners of record filing appeals from sewer assessments:

- 1) All appeals to the Wastewater Management Commission shall be on petitions provided by such board. Blank petitions will be available from the board, the tax collector or the town clerk.
- 2) All questions on such petitions shall be answered completely and truthfully.
- 3) A separate petition shall be filed for each review requested.
- 4) The landowner of record must file all petitions or, if this is not possible, such owner's mark or the signature of such owner's legal representative must appear and such representative's title must be affixed thereto.
- 5) The petitioner(s) and the Town Council shall be notified of the time and place of the hearing.
- 6) The landowner of record, or such owner's representative must appear at such meeting. If persons other than the landowner of record are to testify, a written authorization filed by the landowner of record must be presented to, and recorded by, the board.
- 7) Failure on the part of any petitioner or legal representative thereof to appear at the time and place designated by the board for such petitioner's petition to be heard without prior notification, will be recorded as a default by nonappearance.
  - a) Any petition so recorded as a default will not be reheard for a period of one fiscal year. No petition may be resubmitted for any year for which a prior petition was recorded as a default due to the nonappearance of the petitioner or his legal representative.
  - b) There shall be no rehearing of any petition filed in one fiscal year unless the petitioner can present new or different evidence which could not have been presented to such board at the time of the original hearing or unless in the unanimous opinion of the board unusual circumstances warrant a rehearing.
- 8) The procedure for rehearings shall be as follows:
- 9) A new petition must be filed with an accompanying list or brief of explanation.

- 10) The Wastewater Management Commission at its regular meeting, and after the filing of a petition for rehearing, will decide on the merits for a rehearing, and the petitioner will be notified in writing of the findings and recommendations of such board.
- 11) The proceedings of the board shall be recorded and kept in a minute book provided by such board and be in care, custody, and control of the secretary and available for public inspection.
- 12) All decisions of the Wastewater Management Commission shall be made by a majority vote of a quorum of such board. A majority of the members of the board shall constitute a quorum. The board may, in its sole discretion, adjourn any hearing without submitting an appeal for a vote.
- 13) Petitioners will be notified in writing of the findings, recommendations, and decisions of the board, which pertain to such petitioners' appeal.
- 14) Petitioners in the hearing of a petition may present attorneys, expert witnesses, and any other persons to the board.

*Sec. 18-6.9. Judicial appeal.*

The taking of an appeal to the Wastewater Management Commission or any action thereon, shall not be construed to limit or restrict the right of any land owner of record to apply to a court of competent jurisdiction in accordance with any law now or hereafter in effect for relief from any assessed valuation,

Any land owner aggrieved by an adjusted assessment may within 90 days after the mailing or publication of notice of such assessment file a petition for relief against the town in the superior court, and said petition shall be subject to the provisions of section 44-5-29 of the General Laws. If the court finds such assessment invalid, in whole or in part, it shall give judgment reducing the amount thereof or for a refund accordingly.

The filing of such a petition shall not relieve the land owner of record from the lien against the subject property provided for in section 18-45 or prevent the assessment from becoming due as provided in this chapter, but the final judgment of the court reducing such assessment in whole or in part shall reduce such lien and the amount due accordingly. The remedy provided in this paragraph shall be exclusive and no action or proceeding questioning the validity of any adjusted assessment shall be begun after the expiration of said 90-day period.

*Sec. 18.6.10. Connections.*

Connections shall be made within one year of when the lateral in front of the structure is completed and available for use, as determined by the town, per public notice. Connections from the structure to lateral will be made at owner s expense.

## ARTICLE VII. SEWER USE CHARGES

*Sec. 18-7.1. Findings.*

- 1) The authorizing agent shall prescribe annually just and equitable charges to be charged all users of the sewage system, based upon the budget established for operation of the wastewater management commission. This charge will be sufficient to cover all sewer use-charges estimated for the ensuing fiscal year,
- 2) All users of the sewage system will be charged an annual administration fee as shown in Appendix B and a usage fee based on the amount of water consumption. In the event that a user has more than one water account within a building, separate annual administration fees shall be charged to each account. All invoicing shall be issued to and be the responsibility of each property owner. The water meter used by the supplier of public water to a building shall document the water usage. The Town shall use water readings taken by the public water suppliers to compute sewer usage. In the case that a user has a private well, the water used shall be documented with a private water meter on the well water supply. The Town will read well water meters. A list of charges and rates are given in appendix B.
- 3) Sewer use charges for connected facilities will commence at the time a sewer connection permit is issued by the authorized department in accordance with this chapter. For new construction the charges will commence when the certificate of occupancy is issued.

*Sec. 18-7.2. Rate schedule.*

- 1) Attached as Appendix C is the rate schedule for sewer use charges based on the foregoing assessment policy. This rate schedule will be reviewed annually and submitted to the Town Council prior to July 1 each year.
- 2) Based on this rate schedule the Wastewater Management Commission will prepare the sewer service roll, a copy of which will be filed with the town clerk.

*Sec. 18-7.3. Collection of sewer use charges.*

Annual sewer use charge bills will be prepared and mailed on a schedule set by the superintendent and approved by the Town Council.

Sewer use charges shall be a lien on real property and shall be imposed, assessed and collected in the same manner as a betterment assessment.

*Sec. 18-7.4. Appeals.*

Appeals for water line breaks or unusual usage shall be heard by the Wastewater Management Commission.

## ARTICLE VIII. MONITORING, SAMPLING AND ANALYSES

*Sec. 18-8.1. Inspection powers.*

- 1) *Inspections.* Inspections shall be conducted at the discretion of the town. The town or the duly authorized employees and agents of the town, upon presenting identification and appropriate credentials is authorized:
  - a) To enter without delay and at reasonable times those premises (public or private) of any person or class of user either receiving services from the town or applying for services from the town in which a discharge source or treatment system is located.
  - b) During regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, to have access to and to copy any records, inspect any monitoring equipment and sample any effluents which the owner or operator of such discharge source is required to sample, and any rules and regulations adopted pursuant thereto; and
  - c) During such on-site inspections, to carry out all inspections, surveillance, and monitoring procedures necessary to determine, independent of information supplied by any person discharging into the facilities, compliance or noncompliance with town pretreatment requirements.
- 2) *User documentation.* The town may, by regulation, order, permit, or otherwise, require any person who discharges into the facilities to:
  - a) Establish and maintain records;
  - b) Make reports;
  - c) Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate, biological monitoring methods);
  - d) Sample discharges and amounts (in accordance with the methods, at the locations, at the intervals, and in the manner as the town shall prescribe); and
  - e) Provide other information relating to discharges into the facilities as the town may reasonably require ensuring compliance with prescribed pretreatment.
- 3) *Public access to information.*
  - a) Any permit or permit application, or effluent data shall be available to the public for inspection and copying unless a user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. The procedures will be in accordance with 40CFR (403.14)
  - b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes as detailed above, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to the article, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit or the

pretreatment programs provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

- 4) *Enforcement of inspection powers.* Any person obstructing, hindering, or in any way causing the obstruction or hindrance of the town or any of its employees or agents in the performance of their duties or who shall refuse to permit said town or any of its employees or agents entrance into said premises, buildings, plant or equipment, or other places belonging to or controlled by any such person, in the performance of his duties as such, shall be subject to civil and/or criminal penalties.

*Sec. 18-8.2. Industrial discharge permit system.*

- 1) *Wastewater discharge permits required.* All industrial and commercial users connected to or discharging to the wastewater facilities must obtain a wastewater discharge permit. All industrial and commercial users proposing to connect to or discharge into any part of the wastewater facilities must obtain a wastewater discharge permit before connecting to or discharging to the facilities, All industrial and commercial users other than those excepted in these regulations must be connected to the facilities.

- 2) *Industrial wastewater permit.*

- a) Application. Industrial users seeking a wastewater discharge permit must have completed and filed with the town an application on a form supplied by the town, together with any applicable fee. In support of this application, the user shall submit the following information:
  1. Name business address, location of the facility (if different from business address, and standard industrial classification (SIC) number of the applicant.
  2. Total water consumption from all sources and supporting documentation when appropriate.
  3. Type, frequency, and volume of discharges.
  4. Average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
  5. Site plans, floor plans, mechanical and plumbing plans, pretreatment plans and details to show all building connections and appurtenances by size, location and elevation.
  6. Description of activities, pretreatment facilities and plant processes on the premises including all materials and types of material that are or could be discharged.
  7. Type of product produced.
  8. Number of employees, number of shifts, and hours of work.
  9. The name and concentration of any pollutants in the discharge, for a minimum of four consecutive operating days, which are regulated by the town, the state, or the federal government; and a written statement as to whether or not applicable

pretreatment standards are being met, and if not, whether additional in-plant modification and additional pretreatment is required for the user to meet such applicable pretreatment standards.

10. If additional pretreatment or in-plant modification will be required to meet the pretreatment standards, the user will provide a schedule by which to achieve the standards in the shortest possible time. This schedule shall be reported as the pretreatment compliance schedule. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction.

b. Not later than 14 days following each completion date in the schedule, the user shall submit a progress report to the town including at a minimum, whether or not the user has complied with the increments of progress. If such increment of progress was not completed on time, the user shall also report the date expected to complete the increment of progress, the reason for the delay, and the steps being taken by the user to return to the schedule established. In no event shall completion dates for increments of progress be more than nine months apart.

c. The compliance schedule shall not be a waiver of the user's noncompliance nor shall it protect the user from enforcement actions.

11. Any other pertinent information as may be needed to evaluate the permit application.

3) *Application evaluation.* The superintendent shall evaluate the data furnished by the industrial user and may require additional information. Based on the application, the superintendent may issue a wastewater discharge permit subject to the terms and conditions enumerated in the permit.

The superintendent may deny a request for a permit when the information supplied indicates the industrial user will be unable to reasonably meet town, state, or federal standards. Any person denied a permit may request a hearing.

4) *Permit fee schedule.* The superintendent shall assess a wastewater discharge-application permit fee to all industrial and commercial users connected to or discharging to the wastewater facilities based on the following schedule:

Categorical user, 500,000 gallons or more per year flow

Categorical user, less than 500,000 gallons per year flow

Users, with a SIC, less than 250,000 gallons per year flow

Users with a SIC, between 250,000 and 500,000 gallons per year flow

Users, with a SIC, more than 500,000 gallons per year flow

Users, without a SIC, more than 250,000 gallons per year flow

Users, without a SIC, less than 250,000 gallons per year

Restaurants seating capacity less than 50

Restaurants seating capacity between 50-100

Restaurants seating capacity over 100

Medical, health care facilities 500,000 or more gallons per year flow

Medical, health care -facilities less than 500,000 gallons per year flow

Private medical offices, marinas, yacht clubs

Service gasoline stations

Bakeries

**\*Note:** See Appendix C for permit Fee Schedule.

- 5) *Technical reports and plant records.* All industrial and commercial users shall maintain technical reports and plant records relating to wastewater discharges for a period of not less than five (5) years. They shall at a minimum contain the following:
- a) As a minimum, the daily average and daily maximum discharge rates, and other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge shall be recorded daily.
  - b) Commercial users shall keep records of grease trap maintenance including dates, carrier and disposal site for grease removal and disposal.
  - c) Compliance schedules detailing the steps to be used to bring that facility back into full compliance.
  - d) Requirements for installation of pretreatment systems and spill prevention control plans;
  - e) Provisions for authorized town employees and agents to enter and inspect the premises including provisions for copying records, inspecting monitoring equipment and sampling effluent;
  - f) Documentation of compliance with federal, state and other governmental laws, rules and regulations;
- 6) *Fees and costs.* including supplemental fees assessed because of the special nature of the user's effluent and additional costs and fees including reasonable fees based on the costs of enforcing these regulations or the permit.
- a) The amount of such fees assessed, including any interest that may accrue thereon, shall constitute a debt payable to the town by the owner or owners of the sewer business, so assessed and a lien upon each real property owned by the business so assessed on a parity with the lien for town taxes until paid in full. Such lien shall not be subject to termination under Section 44-9-1 of the General Laws as amended.

- b) The tax collector shall have the same power to collect such assessments and interest from the owner or owners of the estates.
- 7) *Pretreatment.* Users shall provide treatment of wastewater as required to comply with this section and shall achieve compliance with all federal, state, Fall River and town pretreatment standards within the time limitations specified by the federal, state, Fall River and town pretreatment regulations. Any equipment required to pretreat wastewater to a level acceptable to the town and Fall River shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment equipment and operating procedures shall be submitted to the superintendent for review and shall be acceptable to the town before construction of the facilities. Any review and inspection conducted by the town is for the sole purpose of determining compliance with the technical provisions of these regulations. The town does not assume responsibility for means, methods or techniques used or for the safety of construction work, the site, or for compliance by users with applicable laws and regulations. Review by the town does not constitute any form of guarantee or insurance with respect to the performance town does not assume responsibility for means, methods or techniques used, or for the safety of construction work, the site, or for compliance by users with applicable laws and regulations. Review by the town does not constitute any form of guarantee or insurance with respect to the performance of the equipment and processes. All existing users shall also complete such a plan as required by a compliance schedule or permit. No new user proposing to discharge into the facilities shall be permitted to introduce pollutants into the facilities until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility of modifying the user's equipment as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the town of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- 8) *Reserved.*
- 9) *Written notice of accidental spills.* Within five days following an accidental discharge into the facilities, the user shall submit a detailed written report describing the nature and cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred by the town as a result of damage to the wastewater facilities, nor shall notification relieve the user of liability for any other damage to persons or property arising out of such accidental discharge. Notification will not exempt the user from any fines, or any other liability which may be imposed by this chapter or other applicable law.
- 10) *Compliance required.* No permit holder shall discharge industrial or commercial wastewater in excess of the quantity, rate of discharge, concentrations or any other limits specified in the permit. Any person desiring to modify his or her discharge in a manner that would violate conditions of this permit must first apply for an amended permit.
- 11) *Moving or closing businesses.* Any industrial or commercial user who will be closing his or her business or moving a business from its present location must notify the town in writing 30 days before disposing of any process waste associated with the move or the cessation of

business. Failure to notify the town prior to discharging such waste into the facilities may subject the user to civil or criminal penalties.

- 12) *Duration of permits.* Permits shall be issued for a specified time period, which shall not exceed five years. A permit may be issued for a period of less than one year, or may be stated to expire on a specific date. If the user is not notified by the town 30 days prior to the expiration of the permit, the permit shall automatically be extended for one three-month period.
- 13) *Modification of permits.* An industrial or commercial user may apply for modification of a discharge permit by filing a new application form showing substantial, significant and material changes that have been proposed since filing the original application. No application for modification will be considered unless it demonstrates such changes.
  - a) After review of the application and inspection of the facility, the superintendent may in his sole discretion modify the original permit. If such application is rejected, the existing permit shall remain in full force and effect.)
  - b) The terms and conditions of the permit may be subject to modification and changed by the superintendent during the life of the permit. The superintendent may in his sole discretion place further restrictions, limitations and conditions in a permit to carry out the provisions. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- 14) *Transfer of permits not allowed. Industrial and Commercial.* Wastewater discharge permits are issued to a specific user for a specific operation. No wastewater discharge permit may be reassigned, transferred or sold to a new owner, new user, different premises, or a new or unchanged operation. All new users shall apply for and obtain a permit on the forms provided by the Wastewater Management Commission prior to discharge of wastewater.
- 15) *Revocation of permit.* Any industrial or commercial user, who violates the permit conditions, this chapter, or applicable state and federal regulations, is subject to having the permit revoked. Violations subjecting an industrial or commercial user to permit revocation include, but are not limited to the following:
  - a) Failure of an industrial or commercial user to accurately report the wastewater constituents and characteristics of his or her discharge;
  - b) Failure of an industrial or commercial user to report significant changes in operations, wastewater flows, or wastewater constituents;
  - c) Refusing the town access to the industrial or commercial user's premises for the purposes of inspection or monitoring; or
  - d) Violations of conditions of the permit.

Revocation of an industrial or commercial user's discharge permit shall be in accordance with notice and hearing provisions. However, notwithstanding any other provisions of this subsection, the superintendent may in his sole discretion immediately revoke any discharge permit where the discharge reasonably appears to present an imminent endangerment to the

health or welfare of persons.

- 16) *Reinstatement of permit.* Before any further discharge of industrial or commercial wastewater may be made by a user whose permit has been revoked, the user must apply for, and be granted, a reinstatement of the terminated permit, or a new permit, as the superintendent may require, and pay any delinquent fees and all fines, charges, and other costs occasioned by the violation. Costs shall include, but not be limited to: Inspection, monitoring, sampling and related expenses; restitution to other affected parties; reasonable attorney's fees incurred by the town in enforcing the permit; disconnecting and reconnecting the user to the facility; and other actual damages incurred due to the violation. Any such fines, fees, charges and costs shall be paid for by the user before any new permit will be issued. When all costs cannot be readily determined, the town may require and accept a bond or irrevocable letter of credit which it considers sufficient and which will be subject to appropriate adjustment after all costs have been determined.

*Sec. 18-8.3. Industrial wastewater monitoring and reporting.*

1) Records and monitoring.

- a) All industrial users who discharge or propose to discharge wastewater directly or indirectly to the facilities shall maintain: Records which substantiate any information supplied in permit applications; self-monitoring compliance reports; determinations shall be done through industry self-monitoring and through monitoring done by the town.
1. Self-monitoring results must be accompanied by a certified laboratory analysis sheet. The industrial user must also submit a self-monitoring report with the results on a form prescribed by the town. Prior to sampling, the town shall indicate the type of samples, frequency of sampling and the pollutants to be measured.
  2. Compliance monitoring by the town shall be done at the discretion of the town. Compliance determinations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24-hour period, or over a longer or shorter time span, as determined by the town, Prior to sampling at each location, town personnel will offer one-half of the sample to the industrial user for independent analysis. Where sampling protocol prevents splitting samples, a replicate sample will be offered.
- 2) Sampling and analysis of industrial and commercial wastewaters. Laboratory analysis of industrial wastewater samples for industry self-monitoring and compliance monitoring by the town shall be performed in accordance with EPA approved methods. Where applicable, the laboratory must be certified by the state in which it is located.

*Sec. 18-8.4. Enforcement and penalties.*

- 1) *Criminal violations.* In cases where the superintendent determines a violation may have been committed willfully or with criminal negligence, he may inform the Police Department or Town Council for appropriate action.

- 2) *Notice of deficiency.* Any person violating this chapter may be sent a “notice of deficiency” by the superintendent. The notice shall list the violations, and shall require that the violations be corrected within a reasonable time. Failure to correct such violations within the time allowed will result in the issuance of a “notice of violation” by the superintendent.
- 3) *Notice of violation.* Any person violating the provisions of this chapter may be served by the superintendent with a written notice of violation stating the nature of such violation. The violator shall immediately and permanently cease all violations. Nothing herein shall require issuance of a notice of deficiency prior to issuance of a notice of violation. No prior notices shall be required for the town to initiate civil proceedings.
- 4) *Commencement of violations.* Notwithstanding any provisions for notice or hearing, liability for violations shall be deemed to commence as of the date such violation was discovered by the town or may otherwise be proven.
- 5) *Request for reconsideration of actions.* Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the superintendent, interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the superintendent a written request for reconsideration within ten days of such decision, action or determination, setting forth in detail the facts supporting the user’s request for reconsideration.
- 6) *Orders by the superintendent.* After the superintendent has reviewed the evidence, he may issue an order to the violator to cease and desist committing such violations; assess fines; to remedy such violations; and to revoke the violator’s discharge permit and condition future permits upon payment of the costs of implementing and enforcing the terms of such permit, including attorneys’ fees and administrative costs. The decision may include a finding as to the number of days during which the violation occurred and appropriate penalties. Every day in which a violation occurred shall be deemed a separate offense.
- 7) *Appeals.* If the ruling made by the superintendent is unsatisfactory to the person requesting reconsideration he may within ten days after notification of the action, file a written appeal to the wastewater management commission. The written appeal shall be heard by the Wastewater Management Commission within 30 days from the date of filing. The Wastewater Management Commission shall make a final ruling on the appeal within fifteen (15) days of the close of the meeting. The superintendent’s decision, action or determination shall remain in effect during such period or reconsideration.
- 8) *Criminal penalties.* Any person who shall be found guilty of violating, willfully or with criminal negligence, any permit, rule or regulation, or order of the town shall be punished by a fine and imprisonment. Every person shall be deemed guilty of a separate and distinct offense for each day during which such violation shall be repeated or continued. No notice of deficiency or violation is required when criminal proceedings are initiated by the superintendent.
- 9) *Fines and civil penalties.*
  - a) Any user who is found to have violated an order of the Town Council or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined by the

- superintendent, not less than \$100.00 nor more than \$500.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permit issued hereunder.
- b) Any user aggrieved for a fine or penalty imposed by the superintendent may, within 30 days of such imposition of fine or penalty, appeal same to the Tiverton Municipal Court.
- 10) Termination of service under emergency conditions. Notwithstanding any other provisions, the superintendent may, after informal notice to the discharger as described below, immediately and effectively halt or prevent any discharge of pollutants into the facilities of the project which reasonably appears to present an imminent endangerment to the health or welfare of persons.
- 11) Upon determination by the superintendent that a discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, he may issue an immediate compliance order. Informal notice shall consist of a telephone call to the discharging facility's owner or any agent or officer of a corporation. Such compliance order shall become effective notwithstanding inability to contact the foregoing persons. A registered letter, return receipt requested, which states the existence of the violation and the action deemed necessary will be sent as soon as practicable. No request for a hearing prior to issuance of the compliance order may be made.
- 12) Any such immediate compliance order issued under this section without notice and prior hearing shall be effective for no longer than 45 days, provided however, that for good cause shown such order may be extended one additional period not exceeding 45 days.
- 13) Termination of service under non-emergency conditions. Notwithstanding any other provisions, the superintendent may, in accordance with the notice and procedures described below, halt or prevent any discharge into the facilities which present or may present endangerment to the environment or which threatens to interfere with the operation of the facilities.
- 14) Such notice shall provide for a time within which said alleged violation shall be remedied, and shall inform the person to whom it is directed that a written request for a hearing on said alleged violation may be filed with the superintendent within ten days after service of the notice. Notice will be deemed properly served upon a person if a copy thereof is served upon him or her personally, or sent by registered mail, return receipt requested, or such person is served with notice by any other method of service now or hereafter authorized in a civil action under the laws of this state. If a person upon whom a notice of violation has been served under the provisions of this section or if a person aggrieved by any such notice of violation requests a hearing before the superintendent within ten days of the service of notice of violation, the superintendent shall set a time and place for said hearing, and shall give the person requesting such a hearing at least five days' written notice thereof. After such hearing, the superintendent may make findings of fact and law and shall sustain, modify or withdraw

the notice of violation. If the superintendent sustains or modifies the notice, such decision shall be deemed a compliance order and shall be served upon the person responsible in any manner provided for the service of the notice in this section.

- 15) Such compliance order shall state a time within which said violation shall be remedied. Nothing herein shall prohibit the superintendent from requiring immediate compliance.
- 16) Whenever a compliance order has become effective, whether automatically or not, where no hearing has been requested, or where an immediate compliance order has been issued, or upon decision following hearing, the town may institute injunctive proceedings in the superior court for enforcement of such compliance order and for appropriate temporary relief. In such proceeding the correctness of a compliance order shall be presumed and the person attacking such order shall bear the burden of proving error in such compliance order; except that the superintendent shall bear the burden of proving in such proceedings the correctness of an immediate compliance order. The remedy provided for in this section shall be in addition to other remedies provided by law.
- 17) Denial of access. Notwithstanding the provisions above, if the Town or its duly authorized employees and agents, upon presenting identification and appropriate credentials, are denied access to carry out inspection, surveillance, and monitoring procedures, the Town may institute civil proceedings, including proceedings for necessary injunctive relief, or criminal proceedings.
- 18) Inspection of connections. If any person shall construct, install, alter or repair any sewer or connect to any sewer in violation of the requirements of this chapter, the town may, in its discretion, order or direct such person to uncover and fully expose any or all portions of such sewer or connection and afford the town and its representatives adequate opportunity for examination and inspection of the work. If the connection and appurtenances there to shall be found not to be in full accord with the requirements and the standards established under its provisions, then the town may serve the offender with a written notice.

*Sec. 18-8.5. Notice of violators.*

The town shall publish annually, in a local newspaper, a list of industrial and commercial users who were significantly violating the applicable pretreatment requirements during the previous twelve (12) months.

A significant violation shall be one which:

- 1) Remains uncorrected forty-five (45) days after a notice
- 2) Is part of a pattern of noncompliance.
- 3) Which involves a failure to accurately report noncompliance; or
- 4) Results in the town exercising its emergency authority.

*Sec. 18-8.6. Interpretation of requirements.*

- 5) *Construction.* The provisions of this chapter with respects to the meaning of technical terms and phrases, the restriction as to what wastes may be discharged into interceptors, the

regulations with respect to making connections to interceptors and other technical matters shall be interpreted and administered by the superintendent.

- 6) *Captions.* Captions and headings are for reference only and shall not limit or otherwise affect the meaning of the sections or subsections thereunder.
- 7) *Severability.* If any provision of this chapter or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby. The invalidity of any section or sections shall not affect the validity of the remainder of this chapter.

*Sec. 18-8.7. Sewer user fees.*

- 1) *Nonresidential sewer user fees.* All other structures shall be assessed a sewer user fee based upon the volume of water purchased for the structure. Where a user is not served by public water supply, the town shall establish an appropriate schedule for billing. The sewer user fee shall be based upon a rate per hundred cubic feet of water.

Where a property uses water from a source other than a public water supply system, the property shall be assessed a sewer user fee based upon the actual quantity of wastewater discharged directly or indirectly into the town's facilities. Such quantity of wastewater may be measured by either inflow water meters or a wastewater discharge meter as determined by the superintendent. No meter shall be installed or be used for such purpose without the approval of the superintendent. Said meters shall be installed and maintained at the expense of the property owner and shall be read by the town. If repairs are made by the town, bills for such repairs shall be collected in the same manner, and be subject to the same penalties, as are bills for sewer user fees.

- 2) *Estimated discharge.* Where a property uses water from a public water supply system or a source other than a public water supply system but a portion or all of said water is consumed evaporated or otherwise not discharged directly or indirectly into town's facilities, the wastewater discharged shall either be metered at the expense of the property owner or an estimate shall be made based upon an engineering analysis approved by the superintendent. Where a discharge has been estimated, bills will be rendered based upon the approved analyses and estimates.
- 3) *Meter failure.* In case a meter fails to register or has been removed for repairs, testing or other purposes during the billing period, the bill shall be issued based on the average daily rate of water consumption or sewage discharged as shown by the meter after it has been returned to service and is in proper working order.

If the meter has not been returned to service, the bill shall be issued based on the average daily rate of water consumption or sewage discharged for the previous two-year period.

- 4) *Meter Calibration.* All private water meters used as a basis for billing of sewer charges shall be calibrated by a firm qualified to perform such work as determined by the superintendent at the expense of the owner. Calibration results shall be submitted to the Superintendent.
  - a) Water meters that are used to measure the total amount of water used in a property or to measure the amount of water used for watering gardens or lawns as a basis for an

abatement, shall be calibrated at least every five (5) years.

- b) Wastewater meters that are used to directly measure wastewater discharged into the sewer system shall be calibrated annually.

## **ARTICLE IX ONSITE WASTEWATER MANAGEMENT (OWM)**

**Adopted by the Town Council July 17, 2006**

### ***Sec. 18-9.1 Authority.***

This ordinance has been drafted in accordance with and under the authority of the State of Rhode Island General Laws, Title 45, Chapter 24.5 of the General Laws entitled "Towns and Cities Wastewater Management Districts". The authorizing State chapter shall be known and cited as the "Rhode Island Septic System Maintenance Act of 1987". Nothing in this act replaces or precludes any obligation of the owner to notify the RI Department of Environmental Management, the RI Department of Health, the Coastal Resources Management Council, or their successors of septic system failures.

### ***Sec. 18-9.2 Purpose And Jurisdiction.***

1. *Purpose.* The Town Council hereby finds that onsite wastewater treatment systems are prone to failure with age, out-moded design, overuse, or improper installation, repair and maintenance. Septic system failure poses a risk to public health and is a source of contamination to surface and groundwater. The purpose of this ordinance is to establish an Onsite Wastewater Management District (OWMD) consistent with the Tiverton Comprehensive Plan and the Tiverton Onsite Wastewater Management Plan. Within this district all onsite wastewater treatment systems in Tiverton shall be properly operated, regularly inspected, and routinely maintained in order to prevent system malfunction and insure maximum system longevity. This ordinance also recognizes the property owner's responsibility to ensure that their system is well maintained and properly functioning.
2. *Jurisdiction.* Under this ordinance the Tiverton Wastewater Collection Superintendent shall have jurisdiction to ensure the operation and maintenance of all existing and future onsite wastewater treatment systems in Tiverton.

### ***Sec. 18-9.3 Findings.***

- 1) The Tiverton Town Council hereby finds the following evidence in support of the establishment of an Onsite Wastewater Management District. The Tiverton Comprehensive Plan recognizes septic systems as a source of ground and surface water contamination in the Town, and states that the "Town *shall* adopt a town-wide Wastewater Management District. All documentation and findings included in the Tiverton Onsite Wastewater Management Plan are incorporated herein by reference:
  - a) Both now and in the in the future most of Tiverton's geographical area will rely on onsite wastewater treatment systems (OWTS or septic systems). Sewers will be available only in certain portions of northern Tiverton typically characterized by small lots, high density and slowly percolating soils.
  - b) Water treated at the sewer plant is not available to recharge local aquifers, which could potentially diminish water supply in local wells.

- c) The report Limnological Investigation of Stafford Pond (1997) recommends the establishment of a septic system maintenance and management program for Stafford Pond.
- d) The Comprehensive Plan states that the construction and maintenance of effective septic systems is a major concern of the Town especially in the Stafford and Nonquit Pond watersheds. The Comprehensive Plan also recommends that the Town review, amend and reinforce regulations concerning the construction and maintenance of septic systems.
- e) Tiverton's ground and surface waters are important natural and recreational resources that are vital to the Town's economic, environmental and public health.
- f) In some areas of Town, slowly permeable soils, high water tables and improperly designed, installed and maintained, OWTS result in surface breakouts of sewage and threaten public health and the quality of receiving surface waters.
- g) Many of the onsite wastewater treatment systems in Town are cesspools or other substandard systems. Some were initially designed for smaller homes that were subsequently expanded and converted to year round use, without the necessary improvements to the system.

***Sec. 18-9.4 Onsite Wastewater Management District Definitions.***

- 1) *District Definition.* The Onsite Wastewater District shall include the entire Town of Tiverton.
- 2) *Other Definitions.* Any term not defined herein shall be governed by the definition as it appears in the current RIDEM Rules and Regulations Establishing Minimum Standards Relating to the Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems (hereinafter RIDEM ISDS Regulations). Any term not defined therein shall be governed by the definition as in appears in the Tiverton Zoning Ordinance or the Tiverton Sewer Ordinance as appropriate.
- 3) *Access Riser.* A structurally sound and water tight inspection port or manhole, which at its lowest point attaches to a septic tank or other component of an OWTS and extends upward to the ground's surface, allowing visual inspection and where necessary physical access to the OWTS for the purposes of maintenance and repair.
- 4) *Contaminant.* Any physical, chemical, biological or radiological substance which enters the hydrological cycle through human action and may cause a deleterious effect on ground and/or surface water resources; it shall include but not be limited to hazardous waste, nutrients, pathogens and sanitary sewage.
- 5) *RIDEM.* RIDEM is defined as the State of Rhode Island, Department of Environmental Management or its successor organization.
- 6) *Effluent.* Sewage, water or other liquid, partially or completely treated or in its natural state, flowing out of any component of an OWTS or flowing over the ground's surface or beneath the ground in groundwater.
- 7) *Enhanced Treatment Systems.* Onsite wastewater treatment that uses advanced treatment technologies, which provide for enhanced removal of one or more contaminants (e.g. nutrients, microorganisms, BOD, TSS) as compared to conventional septic systems.
- 8) *Handbook.* The Rhode Island Department of Environmental Management's *Septic System Check-Up: The Rhode Island Handbook for Inspection* as may be amended from time to time.

- 9) *Hazardous Waste.* (1) Wastes which include, but are not limited to, those which are toxic, corrosive, flammable, or reactive; and/or (2) Wastes as defined in the Federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) US Code: Title 42, Chapter 103 and the RI Hazardous Waste Management Act, Section 23-19.14 or in any regulation or amendment adopted pursuant thereto: and/or as defined under section 3.25 of the RI Department of Environmental Management "Rules and Regulations for Hazardous Waste Generation, Transportation, Treatment, Storage and Disposal."
- 10) *OWTS Inspections.* The following two types of inspections are required by this ordinance.
- a) *First Maintenance (Baseline) Inspection:* The initial inspection performed on an OWTS and site to gather baseline information. The tank is usually pumped as part of this inspection to better evaluate the existing condition of the system. First Maintenance Inspections involve the location of system components and more detailed data gathering that is not usually necessary for subsequent routine inspections.
  - b) *Routine Maintenance Inspection:* An inspection of an OWTS and system site to determine the need for pumping, establish future inspection schedules and to assess whether any repairs are necessary.
- 11) *Maintenance.* The periodic cleaning of any leaching chamber, cesspool, septic tank, building sewer, distribution lines, or any other component of an OWTS for the purpose of removing any accumulated liquid scum and/or sludge. The term "maintenance" shall also mean any regularly required servicing or replacement of related mechanical, electrical or other equipment.
- 12) *Notice of Noncompliance.* A notice sent by certified mail and issued by the Wastewater Collection Superintendent his/her designee, to an owner of an OWTS for failure to comply with the provisions of this ordinance.
- 13) *Notice of Violation.* A notice sent by certified mail and issued by the Wastewater Collection Superintendent his/her designee, to an owner of an OWTS for failure to comply with the requirements of a Notice of Non-Compliance.
- 14) *Onsite Wastewater Management Program (OWMP).* A town-wide program of various zoning and subdivision regulations, ordinances, educational programs, management practices and financial incentives that are designed to help protect the integrity of Tiverton's ground and surface water through the proper management design, siting, maintenance and installation of OWTS.
- 15) *Onsite Wastewater Treatment System (OWTS).* Synonymous with ISDS as defined in the RIDEM ISDS Regulations.
- 16) *Package Treatment Plant.* A modular treatment facility of State approved design and construction. For purposes of the Onsite Wastewater Management Ordinance, package treatment plants are considered OWTS.
- 17) *Wellhead Protection Area.* The critical portion of a three dimensional zone surrounding a public well or well field, through which water will move towards and reach such well or well field as designated by the Director of RIDEM or as adopted by the Town.

***Sec. 18-9.5 Program Administration.******1) Power and Duties.***

- a) *Wastewater Collection Superintendent.* It shall be the duty of the Tiverton Wastewater Collection Superintendent or his/her designee to:
  1. Supervise the administration of a program of surface water and groundwater protection through maintenance and inspection of OWTS as authorized by this ordinance and Title 45, chapter 24.5 of the Rhode Island General Laws.
  2. Serve as enforcement officer pursuant to the authority granted under Section 8 herein, as well as the authority to levy fines for violations of this ordinance.
  3. Contract for services with septic system inspectors, installers, maintenance providers and others as necessary.
  4. Order the maintenance of onsite wastewater treatment systems based upon inspection results.
  5. Provide technical assistance to property owners on all matters pertaining to maintenance, repair, upgrade and replacement of onsite wastewater treatment systems.
  6. Oversee the implementation of the Onsite Wastewater Management Plan.
  7. Maintain inspection, maintenance and upgrades records for septic systems.
  8. Provide guidance in the implementation of the Onsite Wastewater Management Program and associated grant and loan programs
- b) *Wastewater Management Commission.* It shall be the duty of the Wastewater Management Commission to:
  1. Recommend rules and regulations for the implementation of this ordinance for approval by the Town Council with or without amendment.
  2. Render advisory opinions regarding the requirements of this ordinance and advise the Zoning Board and Planning Board on issues and applications involving septic systems.
  3. Work with the Conservation Commission to establish an onsite wastewater education program.
  4. Hear appeals to amend inspection and maintenance schedules pursuant to Section 18-9.10.
- c) *Tax Collector.* It shall be the duty of the tax collector to collect any fees and fines relative to properties regulated under this ordinance.

***2) Administration and Procedures.***

- a) The Tiverton Wastewater Collection Superintendent or his/her designee shall administer the Onsite Wastewater Management Program.
- b) The Wastewater Collection Superintendent shall prepare annual reports regarding program implementation including progress and any problematic situations. The report shall be submitted to the Town Administrator and shall include such items as the status of any associated grants, consent agreements, notice of violations, number of inspections, number of retrofits, septic system repairs, and other pertinent information.

***3) Location, Setbacks, and Need for Enhanced Wastewater Treatment.***

Location of onsite wastewater treatment systems, setbacks from sensitive resources, performance standards for various resource areas and requirements for enhanced onsite wastewater treatment are governed by the Tiverton Zoning Ordinance.

***Sec. 18-9.6 Education Program And Phased Implementation.***

- 1) *Establishment of a Public Education Program.* The Wastewater Collection Superintendent in cooperation with the Conservation Commission shall develop and oversee an annual education strategy designed to facilitate the effective implementation of the Onsite Wastewater Management Plan, the Onsite Wastewater Management Ordinance and related zoning and subdivision regulations. The education plan will be on file with the Wastewater Collection Superintendent. The plan shall be updated by November 30th each year for implementation the following fiscal year. The educational program for any given year may include, but is not be limited to the following:
  - a) Need, benefits and goals of onsite wastewater management
  - b) Proper inspection, operation and maintenance of OWTS.
  - c) Operation and management framework of the program.
  - d) Proper disposal of hazardous waste, including household hazardous waste.
  - e) Water conservation.
  - f) Protection of sensitive resources.
  - g) Use of environmentally sensitive cleaning products.
  - h) Use of alternative and innovative septic systems and associated technologies.
  - i) Costs of program and availability of financial assistance.
  - j) Informing designers, installers, and inspectors of specific Tiverton requirement.
- 2) *Technical Assistance.* All persons applying to RIDEM for new OWTS installations, repairs or alterations shall meet with the Wastewater Collection Superintendent or his/her designee prior to be system design in order to ensure that the design is consistent with Town policy regarding treatment standards, which may be more stringent than RIDEM'S.
- 3) *Phased Implementation.* The implementation of this ordinance and the timing of the First Maintenance Inspection shall be phased in accordance with the schedule below, as approved by the Town Council. In order of implementation, the five phased areas, as shown on the Onsite Wastewater Management Implementation Map, shall be as follows:
  - a) Stafford Pond Watershed – Upon adoption of this ordinance
  - b) Nanaquaket Pond Watershed – July 1, 2008
  - c) Nonquit Pond Watershed – July 1, 2010
  - d) Sakonnet Waterfront – July 1, 2012
  - e) Remainder of Town – July 1, 2014

***Sec. 18-9.7 OWTS Inspection And Maintenance.***

- 1) **OWTS Inspections:** The purpose of OWTS inspections is to assess the current condition of the OWTS in order to determine a) what maintenance is required, b) when the maintenance should be undertaken c) the date of the next inspection and d) the need for system upgrade or replacement. Maintenance requirements shall be based upon inspection results. Information from the inspections will also be used to complete a town-wide OWTS inventory and to track system inspections, maintenance and upgrades. All inspections shall follow the criteria and procedures outlined in *The Rhode Island Department of Environmental Management's Septic System Check-Up: The Rhode Island Handbook for Inspection (hereinafter referred to as "The Handbook")*.

- 2) *Inspection Types.* The following two types of inspections shall be required: a) First Maintenance (Baseline) Inspection, and b) Routine Maintenance Inspection
  - a) A First Maintenance (Baseline) Inspection of each OWTS in Town shall be conducted in order to obtain baseline information and to determine a routine maintenance schedule and potential upgrade requirements. The septic tank shall be pumped as part of this inspection to better evaluate the condition of the system. First Maintenance inspections shall also involve data gathering and location of system components.
  - b) Routine Maintenance Inspections are generally conducted after the First Maintenance (Baseline) Inspection and may occur between septic tank pump-outs. The frequency of Routine Maintenance Inspections shall be determined by the conditions found at the First Maintenance (Baseline) inspection or during subsequent Routine Maintenance Inspections. Routine Maintenance Inspections for any given OWTS may be limited to sludge and scum measurements within a septic tank, or may include inspection and/or testing of components as recommended by the inspector or the Wastewater Collection Superintendent.
- 3) **Who May Inspect:** All OWTS shall be subject to inspections by private, town-approved inspectors. In order for an inspector to be approved by the Town, he/she must satisfactorily complete a course, approved by the Town in a methodology consistent with use of The Handbook. The Wastewater Collection Superintendent shall maintain a list of approved inspectors and make such list available to property owners for the purpose of arranging the inspection of their own OWTS.
- 4) **Inspection Frequency and Notification:** The Wastewater Collection Superintendent shall send written notice to OWTS owners of the need to schedule the First Maintenance Inspection as well as subsequent Routine Maintenance Inspections of their septic system. The owner must complete an inspection with an approved inspector within forty-five days of the date of notice. In general, inspection frequency for Routine Maintenance Inspections shall be based on the results of the First Maintenance (Baseline) Inspection, subsequent Routine Maintenance Inspections and procedures outlined in The Handbook. These include, but are not limited to, system age, household occupancy, tank size, sludge and scum measurements and when the system was last pumped. After a system has been inspected the owner shall receive notification of the maintenance requirements and the timeframe for the next inspection. The Wastewater Collection Superintendent shall send a reminder notice to the owner as the date of the next Routine Maintenance Inspection approaches.
- 5) **Inspection Reports:** Standard inspection forms shall be those approved by the Collection Superintendent. These forms may be modified by the Wastewater Collection Superintendent as needed to meet the technical and administrative needs of the program. The property owner shall provide the inspector with any available pertinent information, including but not limited to, the use, age, location, maintenance history and design of the system. The completed inspection report shall detail the results of the inspection, pumping or other maintenance requirements (if applicable), the timeframe for the next inspection and/or upgrade requirements for the OWTS. The inspector shall give the property owner and the Wastewater Collection Superintendent an inspection report that details the OWTS condition, components, required maintenance and the date of the next Routine Maintenance Inspection. The Wastewater Collection Superintendent or his/her designee shall be responsible for maintaining the inspection, maintenance and upgrade records.

- 6) **OWTS Maintenance and Owner's Responsibility:** The OWTS owner(s) shall assume all responsibility for hiring a septage hauler or maintenance contractor to complete the maintenance and inspection requirements contained in the OWTS inspection report within the time frame required. As proof of compliance, the property owner shall submit a receipt for pumping and other system maintenance to the Wastewater Collection Superintendent within thirty (30) days of the date stipulated in the OWTS inspection report.
- 7) **Change in Inspection or Maintenance Schedule:** The Wastewater Collection Superintendent, upon written notification to the property owner and the appropriate OWTS inspector, may change the inspection schedule and/or maintenance requirements of an OWTS, where such a change is deemed necessary for the proper functioning of the OWTS. Reasons for a schedule change, include but are not limited to, change in household occupancy, seasonal use, rental status, water consumption, system functioning, site characteristics and proximity to sensitive resources such as water supplies, poor soils, and coastal and freshwater wetlands. Likewise, the property owner(s) may petition the Wastewater Collection Superintendent to alter the inspection and/or maintenance schedule. The owner must demonstrate, to the satisfaction of the Wastewater Collection Superintendent through the use of appropriate site data and household information that such a change in the requirements would still ensure the proper operation of the OWTS and not impair the intent of this ordinance.
- 8) **Immediate Need to Pump:** In the event of a system failure or malfunction where there is an immediate need to PUMP that poses a public health or environmental hazard, the inspector shall immediately notify the property owner and the Wastewater Collection Superintendent. The Wastewater Collection Superintendent shall immediately serve upon the owner a notice and order directing the owner to immediately pump the system and to present evidence of pumping to the Wastewater Collection Superintendent. Such evidence may be in the form of a receipt from an approved septage hauler. Failure to comply with this administrative order shall constitute a violation under this ordinance.
- 9) **Failed OWTS:** If an inspection reveals a failed OWTS, the Town-approved inspector shall immediately notify the Wastewater Collection Superintendent and the OWTS owner and send a copy of the inspection report to both parties. Where pumping records may indicate a failed system, the Wastewater Collection Superintendent shall notify the owner in writing. Technologies selected to replace or repair failed systems shall be consistent with State regulations and Town ordinances regarding treatment standards. At the owner's request, and in order to facilitate the septic system repair application with RIDEM, the Wastewater Collection Superintendent or his/her designee shall meet with the owner to provide technical and administrative assistance regarding repairs. Such assistance shall be designed to help the owner through the application process, to understand technical issues and appropriate system choices and to solve the problem in a fair and expeditious manner. It does not relieve the owner's responsibility to hire needed professional assistance.
- 10) **Notification of Failed System:** The Wastewater Collection Superintendent shall give the owner of a failed system a written notice of noncompliance to repair the system. A copy of said notice shall also be sent to the Department of Environmental Management. The owner shall be given thirty (30) days to contact RIDEM and apply for a permit to repair or replace the system as necessary. The Wastewater Collection Superintendent may require immediate remedial action to protect public health. A copy of the application to RIDEM shall be provided to the Wastewater Collection Superintendent. Notification of RIDEM by the Wastewater Collection Superintendent

does not relieve the owner of their obligation to notify RIDEM. The property owner shall notify the, Wastewater Collection Superintendent as to the expected timetable for repairs to be completed

***Sec.18-9.8 Miscellaneous Regulations for OWTS Operation, And Maintenance.***

- 1) **Septage Disposal:** Septage or contents pumped from an OWTS shall be discharged at the Fall River Wastewater Treatment Facility or other State-approved septage receiving facility.
- 2) **Septic Tank Additives and Improper Discharges to OWTS:** The use of septic tank additives shall follow RIDEM's policy, which prohibits the use of chemical additives. There is no evidence that biological additives provide any benefit to the functioning and maintenance of an OWTS. The use of biological additives does not relieve a property owner from the obligations of this ordinance. The disposal of hazardous wastes, to an OWTS is prohibited. There shall be no discharge of rainspouts, basement sumps, floor drains, or any other drains, other than those carrying household wastewater, to an OWTS.
- 3) **Accessibility, Effluent Filters and Inspection Ports:** All tanks installed, repaired, upgraded or altered after the effective date of this ordinance, shall be equipped with access risers to grade located at the inlet and outlet ends of the septic tank. Effluent filters are recommended at the outlet end of the tank. These measures will help locate the system, facing the inspection and pumping of a septic tank and ultimately the longevity of the OWTS. These items shall be installed in accordance with specifications available from the Wastewater Collection Superintendent. Center access tanks shall not be used for new septic systems or for systems where the septic tank is being replaced. Any tank in good condition, installed prior to the effective date of this ordinance and without an access riser to grade shall be retrofitted with riser(s) in accordance with specifications available from the Wastewater Collection Superintendent. The access riser(s) shall be installed no later than 30 days following the First Maintenance Inspection.
- 4) **Watertight Septic Tanks:** Per RIDEM regulations, any existing tank that leaks may be declared a failed system. All septic tanks installed after the effective date of this ordinance shall be certified watertight in accordance with American Society for Testing and Materials (ASTM) minimum standards or those developed by the Wastewater Collection Superintendent. Tank installation must be done in accordance with manufacturers requirements. In addition, all new or replacement tanks must be site tested to ensure that they are watertight. The accepted procedure(s) for site testing tanks as watertight shall be available from the Tiverton Wastewater Collection Superintendent.
- 5) **Cesspools:** According to RIDEM, cesspools are a sub-standard and inadequate means of on-site wastewater treatment. All cesspools shall be brought into conformance with current state and local standards within 12 months after the sale of a property. This subsection shall take effect as of January 1, 2007, unless: either a listing agreement contract with a licensed Real Estate Broker shall have been signed by the owner(s) of the property and the Broker prior to January 1, 2007, in which case any buyer(s) of said property from that owner(s) while the listing agreement contract is in effect, shall be exempt from this requirement; or a Purchase and Sales Agreement for the property shall have been signed by the owner(s) of the property and the prospective buyer(s) prior

to January 1, 2007, in which case, the buyer(s) named in such Purchase and Sales Agreement shall be exempt from this requirement.

(Rev. 3/26/2007)

- 6) Notwithstanding the foregoing, the closing and the conveyance of the property must take place by January 1, 2009 in order to qualify for this exemption.  
(Rev. 3/26/2007)
- 7) **Package Treatment Plants:** At a minimum a Licensed Grade One Operator must operate all package treatment plants.

### ***Sec. 18-9.9 Enforcement.***

- 1) **Failure to Inspect, Repair, Pump or Maintain an OWTS:** If an owner fails to inspect repair, pump or otherwise maintain an OWTS as specified in this ordinance within the timeframe provided under this ordinance and to submit proof of such to the Wastewater Collection Superintendent they shall be in non-compliance under this ordinance.
- 2) **Notice of Noncompliance:** If an owner of an OWTS is determined to be in non-compliance of this ordinance the Wastewater Collection Superintendent, or his/her designee, shall issue a written Notice of Non-Compliance via certified mail to the owner. The notice shall explain the nature of the noncompliance, required actions, any assistance that is available from the Wastewater Collection Superintendent a reasonable time frame for compliance, and the possible consequences for noncompliance.
- 3) **Notice of Violation:** If an owner of an OWTS fails to comply with the Notice of Non-Compliance, the owner shall be deemed in violation of this ordinance and the Wastewater Collection Superintendent shall issue a written Notice of Violation. The notice shall be sent certified mail and shall explain the nature of the violation, required actions and timeframe to remedy the violation, assistance available from the Wastewater Collection Superintendent, and the penalties for failure to correct the violation within the required timeframe.
- 4) **Administrative Review Meeting:** A person is encouraged to resolve issues at an informal administrative level before appealing a decision of the Wastewater Collection Superintendent. Any owner of an OWTS who receives a Notice of Non-Compliance or a Notice of Violation, or who is otherwise aggrieved by any action of the Town pursuant to this ordinance, shall have the right to an administrative conference with the Wastewater Collection Superintendent or his/her designee to determine how best to bring the system into compliance. In the case of a Notice of Non-Compliance or a Notice of Violation, an administrative meeting, if desired, shall be requested in writing within ten (10) days following the date of notice. A Request for an Administrative Conference shall stay all proceedings under the appeal procedure set forth in 18.67 of this ordinance. A written consent agreement signed by the Wastewater Collection Superintendent or his/her designee and the OWTS owner shall outline the specifics of any agreement developed as the result of the administrative meeting. Alternately, an owner who has received a Notice of Non-Compliance stating that they have not inspected or maintained their system as required may simply submit proof that such inspection or maintenance has been completed.

- 5) **Penalties:** Any person who fails to comply with a written Notice of Violation issued under the provisions of this ordinance shall be deemed to be in violation and may be fined not more than \$500 per violation. Each day of a continuing violation may be construed to constitute a separate and distinct violation. All fees/fines shall be paid to the Town in accordance with its charter. The Town of Tiverton shall maintain its right to legal and equitable remedies that may be available in order to enforce compliance with the provisions of this ordinance.
- 6) **Failure to Pay:** Failure to pay any fees, or fines assessed by the Town for the administration of the wastewater management district shall constitute a lien on the owner's property. In addition to the bill and any associated fines, the OWTS owner shall be responsible for any interest, administrative and court costs associated with the collection of the funds.

#### ***Sec. 18-9.10 Appeals and Variances.***

- 1) **Appeals:** An aggrieved party shall have the right to appeal the decision of the Wastewater Collection Superintendent to the Tiverton Wastewater Management Commission by submitting a written request within ten (10) days after the notification of the action. The Written appeal shall be heard by the Wastewater Management Commission within 30 days from the date of the filing. The Wastewater Management Commission shall make a final ruling on the appeal within fifteen (15) days of the close of the meeting. The Wastewater Collection Superintendent's decision, action or determination shall remain in effect during such period or reconsideration.  
(Rev. 3/26/2007)
- 2) **Variances:** Any party aggrieved by a determination pursuant to Section 18-9.8.5, entitled Cesspools, shall have the right to seek a variance from the Wastewater Management Commission by submitting a written request within ten (10) days after the notification of the action. The variance request shall be heard by the Wastewater Management Commission within 30 days from the date of the filing. The Wastewater Management Commission shall make a final ruling on the variance within fifteen (15) days of the close of the meeting. In considering such variance, the Wastewater Management Commission shall only grant such variance based on findings of fact that application of said Section 18-9.8.5 to the applicant would amount to a severe hardship based on the cost of a new septic system in relation to the cost of the house, or that the application of said Section 18-9.8.5 to the applicant would be manifestly unfair in light of the circumstances of the sale of the property.  
(Rev. 3/26/2007)

#### ***Sec. 18-9.11 Financing.***

- 1) **Program Financing:** The Town Council shall have the authority to raise funds for the administration, operation, contractual obligations, and services of the Onsite Wastewater Management Program (OWMP).
- 2) **Fee Structure:** The Wastewater Collection Superintendent and Town Administrator may propose a fee schedule, for approval by the Town Council as a Resolution, to be assessed each owner of an onsite wastewater treatment system. Said fee shall be based on the total number of OWTS in Town and the administrative and technical costs associated with providing the services herein.

Any funds collected or raised for purposes of implementing the Onsite Wastewater Management Program shall be kept as a dedicated account separate from the Town's general fund.

- 3) **Grant and Loan Program:** The Town under the authority of the State Legislature shall have the authority to issue bonds or notes and to receive grants for the purpose of establishing a revolving fund. This fund may be used to make low interest loans or grants available to qualified property owners for the improvement, correction, or replacement of a failed OWTS. The Wastewater Collection Superintendent, with the approval of the Town Council, shall establish specific criteria to define eligibility for grants or loans.

***Sec. 18-9.12 Severability.***

If any provision of this ordinance or any rule or determination made hereunder, or application hereof to any person, agency, or circumstances is held invalid by a court of competent jurisdiction, the remainder of this ordinance and its application to any person, agency, or circumstance shall not be affected thereby. The invalidity of any section or sections of this ordinance shall not affect the validity of the remainder of this ordinance.

***Sec. 18-9.13 Effective Date.***

This ordinance shall take effect upon its passage.

**APPENDIX A. STANDARD CONSTRUCTION DETAILS**

(Reserved for insertion at a later date.)

## APPENDIX B. RATE STRUCTURE FOR OPERATION AND MAINTENANCE USE CHARGES

1. *Introduction.* The sewer use charge system proposed for the Town of Tiverton is based upon wastewater flows, which are produced by each user of the sewer system. A single user's annual wastewater volume is equated to water consumption; therefore, all charges will be based upon estimated or actual water use. This volume of water used contributes to the total wastewater flow handled annually at the Fall River Wastewater Treatment Plant. The resulting percentage of total flow attributed to each user will correspond with that percentage of the town's annual sewage system O&M budget for which the user is responsible, in the form of yearly sewer use payments. All users will be charged according to actual metered water use.
2. *Infiltration and inflow.* The costs for handling additional flows due to infiltration and inflow into the sewage collection system will be absorbed by all the accountable users by adding the appropriate surcharge to the rate that each user pays.
3. *Surcharges.* A surcharge model based on concentrations of pollutants in excess of those in normal domestic sewage, but within safely treatable levels, has been developed by the EPA. Calculations of surcharges based on this model, which is shown below, will involve reliance on monitoring data of each company's wastewater, and estimates of the operating and maintenance costs for the treatment of a unit of each pollutant. Two (2) pollutants which are monitored for possible surcharges are biochemical oxygen demand (BOD) and total suspended solids (TSS), whose levels from any given industry above those levels in normal domestic wastewater (225 mg/l BOD, 225 mg/l TSS), shall result in the levying of the surcharge. Other categories of waste may also be monitored.

Each industry's surcharge will be calculated on a yearly basis. All surcharges will be subtracted from the annual Q&M costs upon which the residential unit charge is based. The surcharges shall be determined according to the following formula:

$$\text{SURC}_A = \text{QN}_A [(BOD_A - 225) (B_{BOD}) + (TSS_A - 225) (B_{TSS})]$$

Where:

$\text{QN}_A$	=	Annual surcharge for industry A
$BOD_A$	=	Average BOD levels discharged by industry A
$B_{BOD}$	=	O&M cost for treatment of one unit of BOD
$TSS_A$	=	Average TSS levels discharged by industry A
$B_{TSS}$	=	O&M cost for treatment of one unit of TSS

The value represented by  $BOD_A - 225$  is the level of BOD (mg/l) discharged by the industry, which is over that level in normal domestic sewage. If the industry's BOD level is less than or equal to the normal or average level, the value of the relationship will be zero and no surcharge will be calculated for treating BOD. The additional concentration of BOD added to the STP's

normal domestic effluent is then multiplied by the industry's annual wastewater volume to get the total annual loading of BOD (milligrams converted to pounds). This above normal loading adds an additional cost to the secondary processes of the treatment plant. Therefore, the annual loading is then multiplied by the cost for removal of one unit (pound) of BOD.

Surcharges based on the concentrations of suspended solids and other categories of pollutants in wastewater discharged by industry A are calculated similarly. The surcharges for each pollutant are added together to determine the industry's total surcharge. The total surcharge is then added to the normal user charge to determine the total annual charges levied against the industry.

**APPENDIX C. RATE SCHEDULE FOR SEWER USE CHARGES**

- 1) *Classification of users.* There shall be the following classifications of sewage system users in the Town of Tiverton. Residential, or domestic; commercial; industrial; and institutional.
- a) All residential users will be charged the same annual fee based upon the estimated average residential unit contribution to the total annual wastewater flow volume entering the treatment plant.
  - b) All nonresidential users will be charged according to the estimated equivalent number of residential units they contribute to the total annual wastewater flow.
  - c) Industrial users, in addition, shall be surcharged if their wastewater contributes a greater proportional loading of biochemical oxygen demand, suspended solids and/or other parameters.
- 2) *Payments.* Annual sewer use charges are to be paid in full by all users of the Tiverton sewage system at the same time and place that the annual town taxes are due and payable. In the event of nonpayment, there shall be a penalty.
- a) For any building or premises situated within the town discharging sanitary sewage or industrial and commercial wastes either directly or indirectly into the sewage system, the following rates shall apply:
    - i) Annual Administrative Fee:
 

(1) Residential unit:	Fee \$
Single-family	
Two-family	
Multi-family unit (above two units) each unit	
    - (2) All Nonresidential units:
 

These users shall include retail establishments, business offices, restaurants, clubs, manufacturing or industrial operations, libraries, schools, municipal buildings, medical establishments, and institutions whose wastewater volume is some multiple (or percentage) of the residential units wastewater volume.

Per equivalent family unit
  - ii) Sewer Usage Charges (\$ per Hundred Cubic Feet of Water used)      Fee \$
    - (1) Residential
    - (2) Commercial
    - (3) Institutional
    - (4) Industrial\*

\*May include an additional surcharge based on BOD and TSS concentrations

- iii) *Surcharges.* Industrial users discharging greater than ordinary strength wastewater shall pay a surcharge based on concentrations of parameters over established levels.
- iv) *Permit Fees:* The following rate schedule shall apply for all new applications for sewer service.

<i>Description</i>	<i>Permit Fee*</i>
Categorical user, 500,000 gallons or more per year flow	\$
Categorical user, less than 500,000 gallons per year flow	
Users, with a SIC, less than 250,000 gallons per year flow	
Users with a SIC, between 250,000 and 500,000 gallons per year flow	
Users, with a SIC, more than 500,000 gallons per year flow	
Users, without a SIC, more than 250,000 gallons per year flow	
Users, without a SIC, less than 250,000 gallons per year	
Restaurants seating capacity less than 50	
Restaurants seating capacity between 50-100	
Restaurants seating capacity over 100	
Medical, health care facilities 500,000 or more gallons per year flow*	
Medical, health care -facilities less than 500,000 gallons per year flow*	
Private medical offices, marinas, yacht clubs	
Office buildings	
Service gasoline stations	
Car Washes	
Bakeries	
Residential, (1 to 2 units)	
Residential, (over 2 units)	

\*Includes nursing homes and managed care facilities.

**APPENDIX D. SEWER CONNECTION APPLICATION; WASTEWATER  
DISCHARGE PERMIT; INDUSTRIAL WASTEWATER PARAMETERS TO BE  
MONITORED**

(Adopted by TC – 3-26-07)