



UPPER BLACKSTONE CLEAN WATER

Sewer and Pretreatment Regulations

2020

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SEWER AND PRETREATMENT REGULATIONS
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REGULATIONS

The Upper Blackstone Clean Water, a Massachusetts Corporation established under Chapter 752 of the Acts of 1968 and amendments thereto of the General Court authority of the Commonwealth of Massachusetts, acting under the authority of Section 7 of Chapter 752 and every other Section of said Chapter enabling thereto, and by action of its Board hereby makes Regulations to provide for the following purposes:

1. Regulate the construction of building sewers, other private sewers, and connections to public sewers.
2. Control of use of public sewers, private sewers and drains.
3. Control of discharge of waters and waste into public sewers to prevent the introduction of pollutants into the treatment facility that will interfere with the operation of the treatment facility or pass through the treatment facility into the receiving waters.
4. Enable the Upper Blackstone to comply with its NPDES and air permit conditions and sludge use and disposal requirements.
5. Control of all waste hauled to the treatment facility.
6. Require pretreatment of industrial wastes to assure compliance with item 3.
7. Penalties for violations of the regulations as defined in Article VII.

AUTHORITY TO MAKE REGULATIONS

Chapter 752 of the acts of 1968, as amended from time to time, provides the authority to make regulations, in accordance with Section 7 of said chapter, which reads as follows:

The Board shall prevent the discharge into the sewers of substances which may damage or impair the sewage collection and sewage treatment system or interfere with its maintenance or operation. The Board shall have the right to enter any premises from which any sewer or drain is connected with any part of the sewage system under its controller with any tributary sewerage or with the systems of any member city, town or sewer district, to determine the condition of said sewer, drain, sewage pumping station, trunk or treatment works, determine the amount and character of sewage, drainage or other wastes flowing there from, determine whether such sewage, drainage or other wastes does, or is likely to, damage or impair the sewage system or the system of any member city, town or sewer district or interfere with its maintenance or operation, and inspect records required to be kept by regulation of the Board or other governmental entity. The Board shall, for the proper and reasonable operation of its works, make regulations as to the quantity and character of any sewage, drainage or other wastes discharged into any sewer under its control or any sewer tributary thereto, but such regulations shall not be less than those established by the division of water pollution control. Such regulations may impose federal, state and other industrial pretreatment requirements directly upon industrial and other users of the sewage collection systems tributary to Upper Blackstone's users to obtain discharge permits

directly from Upper Blackstone. The Upper Blackstone may charge permit application fees to recover the costs of processing permit applications and may directly bill industrial users to recover the Upper Blackstone's annual cost of implementing an industrial pretreatment program. The Upper Blackstone may force its regulations directly against industrial and other users of the sewer systems tributary to Upper Blackstone sewage works by court action seeking injunctive relief and penalties or by other action deemed appropriate by Upper Blackstone. Violation of Upper Blackstone regulations is subject to a civil penalty up to ten thousand dollars, with each day of a continuing violation being a separate violation.

GENERAL

Upper Blackstone and its members have a responsibility to accept domestic, commercial and industrial waste that can be handled safely and adequately by the public sewer systems and the Upper Blackstone's sewage treatment plant. To provide the necessary degree of safety and adequacy, however, no use of the municipal sewage collection or treatment works shall be permitted that may result in physical damage to the structures, interfere with operations, pose a hazard to the public or the operations and maintenance personnel, or require unreasonable maintenance, attention and expense.

ARTICLE I DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms in these regulations shall be as follows:

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
2. Average daily flow. The total volume of sewage in gallons measured at a metering station or other point during a continuous period divided by the number of days in such a period.
3. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article III sections 1 and 2 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen used in the biochemical oxidation of organic matter in a specific time, at a specified temperature, and under specific conditions. A standard test used in assessing wastewater strength.
5. Board. Upper Blackstone Clean Water Board as provided by Section 2 of Chapter 752 of the Acts of 1968 of the Massachusetts General Court and amendments thereto.
6. Board of Sewer Commissioners. Refers to any governing body having jurisdiction over any sewage works.

7. Building Sewer. The extension from the building plumbing system to the public sewer or other place of disposal. Also called house connections.
8. Categorical pretreatment standard or Categorical Standard. Any regulation containing pollutant discharge promulgated by U.S. Environmental Protection Agency in accordance with sections 307(b) and (c) of the Act (33U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
9. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
10. Chemical Oxygen Demand (COD). 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. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand.
11. City. The city of Worcester, a member of Upper Blackstone.
12. Combined Sewer. A sewer intended to receive both sewage (wastewater) and storm (or surface) water.
13. Composite sample. A combination of individual samples of water or wastewater taken at selected intervals, generally hourly, for a specified time period, to minimize the effect of the variability of any individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at the time of sampling.
14. Upper Blackstone. Upper Blackstone Clean Water or duly authorized representatives of the Engineer-Director.
15. Dental Discharger. A facility where practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to the Upper Blackstone.
16. Domestic Septage. The liquid or solid material removed from a septic tank, cesspool, holding tank, or similar system that receives only domestic waste (household, non-commercial, non-industrial sewage).
17. Drain. (1) A conduit or channel constructed to carry off, by gravity, liquids other than wastewater, including surplus underground, storm, or surface water. It may be an open ditch, lined or unlined, or a buried pipe. (2) in plumbing, any pipe which carries water or wastewater in a building drainage system.

18. Drainage. (1) Water which has been collected by a drainage system and discharged into a natural watercourse. (2) water flowing in a drain, derived from ground, surface, or storm water.
19. Drainlayer. A general term applied to one in the business of laying drains from existing public sewers to the drainage systems of homes, commercial buildings, industrial buildings, and similar structures and properties.
20. Effluent. Wastewater or other liquid flowing out of a basin, treatment plant, or industrial treatment plant, or part thereof.
21. Engineer-Director. Engineer-Director of Upper Blackstone Clean Water, who is authorized to administer the affairs and direct the engineering work of Upper Blackstone as approved by the Board.
22. Entrails. The internal parts of animals such as the bowels, guts, and viscera.
23. Equalization of waste flows. An averaging of variations in flow and composition of wastewater from particular sources by an equalizing basin or other means, to provide a flow of reasonably uniform volume and composition prior to discharge into a public sewer.
24. Ex parte. Filing of an action in court of law or any other action by Upper Blackstone without actual notice to other party.
25. Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food.
26. Grab sample. A single sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
27. Groundwater. A subsurface water occupying the saturation zone, from which wells and springs are fed.
28. Hauler. Any person or business which transports septage, sludge, or wastewater by truck to the POTW.
29. Hauled Waste. Any septage, sludge, or wastewater transported to the POTW by truck.
30. Industrial User. Any person connected to a public sewer and discharging industrial waste or has the potential to discharge industrial waste. A source of indirect discharge.
31. Industrial wastes. The liquid wastes from industrial manufacturing processes, trade, dental discharger or business as distinct from sanitary sewage.
32. Interference. A discharge that, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operation, or its sludge processes, use of disposal and which is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a

- violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations).
33. Local Limit. A set of numeric limits on specific pollutants from industrial wastes that may cause difficulties with the proper functioning of the POTW. The limits take into consideration the unique operational factors associated with Upper Blackstone's treatment facility, including the nature of the receiving water, the treatment processes used, and the flow and characteristics of all industrial and sanitary discharges to the sewer system.
 34. Manhole. An opening in a sewer providing access to the sewer.
 35. Maximum daily flow. The highest volume in gallons measured at a metering station or other point during any continuous twenty-four-hour period.
 36. May. Is permissive; "shall" is mandatory.
 37. Member. Any city, town or sewer district which has been accepted as a participating member or associate member of Upper Blackstone.
 38. Milligrams per liter. A unit of the concentration of water or sewage (wastewater) constituent. One mg/L is 0.001 gram of the constituent in one liter of water.
 39. National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of The Federal Water Pollution Control Act, which applies to industrial users.
 40. Natural outlet. Any watercourse, pond, ditch, lake, or other body of surface or groundwater.
 41. Neutralized. The condition of a solution existing after the reaction of acids or alkali with the opposite reagent until the concentrations of hydrogen and hydroxyl ions in the solution are approximately equal having a pH of approximately 7.0 s.u.
 42. New source.
 - A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

- (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at existing source; or
 - (iii) 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 engaged in the same general type of activity as the existing source should be considered.
- B. Construction on a site at which an existing source is located which 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 paragraphs (ii) or (iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (i) Begun, or caused to begin as part of a continuous on-site construction program:
 - (a) Any placement, assembly or installation of facilities or equipment; or
 - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.
43. Ordinance. Synonymous with by-law, as applied to the City of Worcester.
44. Outfall. The conduit leading to the ultimate disposal area.
45. Pass through. The discharge of pollutants through the POTW into a waters of the United States in quantities or concentrations, which alone or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

46. Paunch manure. The waste products of animals still found in the belly upon slaughtering.
47. Person. Any individual, firm, company, corporation, association, society, or group.
48. pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ion, in grams per liter of solution. Neutral water for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} power.
49. Pickling waste. The wastewater from the cleaning of iron, usually containing high amounts of iron and chloride ions in hydrochloric acid.
50. Plating solution. A solution of the salts of metals used in metal plating and electroplating, usually an acid or cyanide base.
51. POTW. Publicly Owned Treatment Works, which includes all public sewers that discharge to Upper Blackstone's treatment plant as well as Upper Blackstone's treatment plant.
52. 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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by dilution as substitute for treatment. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated water from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with the combined wastestream formula.
53. Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, other than a "National Pretreatment Standard" imposed on an industrial user.
54. Properly shredded garbage. 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 (1/2) inch in any dimension.
55. Public nuisance. A wrongful act which destroys or deteriorates the property, real or personal, of any indefinite number of persons, or interferes with their lawful use or enjoyment thereof.
56. Public sewer. A sewer that is tributary to Upper Blackstone sewage works, including sewers owned by members, other municipalities inside or outside the Upper Blackstone, or other persons.

57. Sanitary waste. Human excrement and gray water (household showers, dishwashing operation, etc.)
58. Sanitary sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
59. Septage. Material physically removed from any part of an on-site system including, but not limited to, the solids, semi-solids, scum, sludge and liquid contents of a septic tank, privy, chemical toilet, cesspool, holding tank, or other sewage waste receptacle.
60. Sewage. Wastewater from homes, public buildings, commercial or industrial establishments, or any combination thereof, including surface or groundwater that may be present therein.
61. Sewage works. All-inclusive term for sewage (wastewater) collection, pumping, treatment, and disposal facilities.
62. Sewer. A pipe or conduit that carries wastewater or drainage water.
63. Sewer district. Any sewer that is a member or associate member of Upper Blackstone.
64. Sewerage. A system of piping, with appurtenances for collecting and conveying and treating sewage (wastewater) from source to discharge.
65. Shall. Is mandatory; “may” is permissive.
66. Significant Industrial User.
 - A. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
 - B. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by The Upper Blackstone as defined in 40 CFR 403.3(v) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
67. Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Article III of these regulations or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

68. Suspended solids.
- A. Solids that either floats on the surface of, or are in suspension in water, wastewater, or other liquids, and which are largely removable by laboratory filtering.
 - B. The quantity of material removed from wastewater in a laboratory test as prescribed in ‘Standard Methods for the Examination of Water and Wastewater’ and referred to as non-filterable residue.
69. Town. Any town which is a member or associate member of Upper Blackstone
70. Trunk. Where used, refers to a sewer that receives many tributary branches and serves a large territory.
71. Unpolluted waters. Waters that require no treatment to meet the standards of water quality for discharge into natural outlets.
72. User. Any person connected to a public sewer and discharging wastewater.
73. Wastewater. The spent water of a community. 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.
74. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.
75. Whoever. Same definition as person.

ARTICLE II CONSTRUCTION AND CONNECTIONS OF SEWERS OF UPPER BLACKSTONE AND ITS MEMBERS

Section 1. Connecting building sewers and other private sewers to public sewers.

No unauthorized person shall uncover, make any connections with or any opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Engineer-Director in the case of Upper Blackstone sewers or from the responsible authority in charge of the public sewers in the case of its members’ sewers.

Section 2. Application for permits.

Applications for permits to construct and/or connect a building sewer or other private sewer to the public sewers of Upper Blackstone or its members shall be made in writing to the official charged with the responsibility for said public sewers by the owners and authorized agents.

Section 3. Upper Blackstone Member Regulations

Any construction/connection or use of the sewer system must comply with the Upper Blackstone member specific sewer use regulations for that particular city, town, or sewer district for construction methods and materials, applications, permits, fees, approval, use, and any other requirement as set forth in the appropriate member regulations. The member communities of Upper Blackstone are as follows:

- Worcester
- Auburn
- Holden
- West Boylston
- Cherry Valley Sewer District
- Millbury
- Rutland
- Paxton

Portions of Shrewsbury, Sutton, and Oxford are served by the Upper Blackstone, and are subject to these regulations.

Any person proposing a new non-residential discharge or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify Upper Blackstone at least 45 days prior to the change or connection.

ARTICLE III GENERAL SEWER USE REQUIREMENTS

Section 1. General Prohibitions

No user shall introduce or cause to be introduced into the sewer system or treatment plant any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the sewer system and treatment facilities including hauled or trucked wastes whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

Section 2. Specific Prohibitions

The following discharges into public sewers of Upper Blackstone are prohibited:

- A. Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas including but not limited to wastestreams with a closed cup flashpoint of less than 140⁰ F (60⁰C) using the test methods specified in 40 CFR 261.21.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, gases, vapors, and fumes in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, cause acute worker health and safety problems within the treatment plant, or create any hazard in the receiving waters of Upper Blackstone's sewage treatment plant's effluent.

- C. Any waters or wastes having a pH lower than 6.5 or higher than 11.5 or having any other corrosive injurious property which may cause damage or be hazardous to the sewer, the sewage system, or the treatment system, or to any person.
 - i. If a person continuously measures the pH of its wastewater by a properly located, installed, calibrated, maintained, and operated pH measurement system, the pH of the wastewater shall be maintained as required by Upper Blackstone according to Article IV of the Discharge Permit.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metals, sawdust, hair, lobster shells, oyster shells, clam shells, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, fleshings, entrails, paper dishes, cups, milk containers, and similar paper or plastic containers (either whole or ground by garbage grinders) and other similar materials.
- E. Any substance with heat in amounts that may adversely affect biological activity and interference, but in no case may temperature at the point of entry to the sewers exceed 150⁰ F. (66⁰ C.) to ensure that wastewater influent to Upper Blackstone sewer works will not exceed 104⁰ F. (40⁰ C.).
- F. Any pollutant including oxygen demanding pollutants released at a discharge rate or concentration that may interfere or pass through.
- G. Petroleum, oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- H. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge of effluent to the receiving waters.
- J. Any water or waste containing fats, wax, grease or oil, whether emulsified or not, in excess of two hundred twenty-five (225) milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32⁰ F. and 150⁰F.
- K. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of ¾ horsepower or greater shall be subject to the review and approval of the Local Authority.
- L. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- M. Any waters or wastes containing iron, chromium, cadmium, copper, zinc, barium, arsenic, silver, mercury, lead, cyanide, phosphates, sodium chlorate, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such a degree that any such

material received in the composite sewage at the sewage treatment plant exceed the limits established by the Engineer-Director under Article III Section 4.

- N. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established as necessary by the Engineer-Director after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- O. Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the Engineer-Director in compliance with applicable State or Federal regulations.
- P. Materials which exert or cause:
 - i. Unusual concentration of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride, sodium sulfate, and ferrous iron compounds).
 - ii. Excessive discoloration (such as, but not limited to dye wastes and inks, and vegetable tanning solutions).
 - iii. Unusual biochemical oxygen demand (BOD), chemical oxygen demand (COD), or chlorine requirements in such quantities as to constitute a significant treatment problem for the sewage treatment plant.
 - iv. Unusual volume of flow or concentration of wastes constituting “slugs” as defined in Article I (61).
- Q. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any public sanitary sewer of a member of Upper Blackstone directly or indirectly. For groundwater remediation water see Section 9

However, stormwater and all other unpolluted drainage shall be discharged to such drains as are specifically designated as combined sewers and drains or to a natural outlet approved by the responsible official in charge of such outlets.

Section 3. Compliance with Federal Categorical Standards

Persons discharging wastewater into public sewers shall comply with Federal and State pretreatment standards 40 CFR 400-471. Compliance with categorical standards shall be achieved within the date set forth in the Federal Regulations unless a shorter compliance time is specified by Upper Blackstone.

Section 4. Local Limits

The following pollutant limits are established to protect against pass-through and interference. No industry shall discharge wastewater containing in excess of the following:

Maximum Limits

Aluminum	168 mg/L
Arsenic	3.7 mg/L
Beryllium	1.2 mg/L
Cadmium	0.16 lbs./day ^{1, 2}
Chromium	1.3 mg/L
Copper	1.09 mg/L
Lead	1.0 mg/L
Mercury	0.03 mg/L
Nickel	8.6 mg/L
Silver	.50 mg/L
Zinc	3.7 mg/L
Cyanide	2.0 mg/L
Total Nitrogen	325 mg/L
Total Phosphorus	715 lbs./day ^{1, 2}
Fats, Oils, and Grease	225 mg/L
pH	6.5 to 11.5 s.u.

¹ lbs/day = pollutant concentration (mg/L) X Flow (MGD) X 8.34 (conversion factor).

² Total available loading for all Industrial Users. The sum of all allocations must not exceed the total available loading for Industrial users. Allocations are given to each Industry on an individual basis.

The above limits apply at the point at which the wastewater is discharged to the POTW (end of pipe) prior to dilution with sanitary sewage. In addition, Upper Blackstone reserves the right to establish additional or more stringent limitations or requirements on discharges to the wastewater collection and treatment system if deemed necessary by an administrative document to prevent pass-through or interference.

Section 5. State Regulations

All industrial users must comply with all applicable Massachusetts State Regulations in 314 CMR 12.00 for the operation and maintenance of wastewater pretreatment systems for indirect dischargers.

Section 6. Member Community Regulations

All industrial users must comply with each Upper Blackstone member community's Sewer Use Regulations for construction and connection methods and materials, prohibited discharges, fees, and any other applicable regulations for the sewer use.

Section 7. Dilution

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Engineer-Director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

Section 8. Pretreatment Facilities

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, users shall provide necessary wastewater treatment as required to comply with these regulations and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibited discharges set out in Article III Sections 2 through 6 of these regulations within the time limitations specified by Upper Blackstone. Any facilities required to pretreat wastewater to a level acceptable to Upper Blackstone shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to Upper Blackstone for review and shall be acceptable to Upper Blackstone prior to construction of the facility.

Section 9. Control of Wastes

Whenever deemed necessary Upper Blackstone may:

- A. Designate that certain wastewater be discharged over an extended period of time, relocate and/or consolidate points of discharge, separate sewers from storm water drainage, and separate domestic sewage from industrial wastestreams to determine the user's compliance with the requirements of these regulations.
- B. Require users to install flow equalization equipment and facilities to control the rate of discharge. The rate of discharge may be directed by the Engineer-Director. The flow equalization equipment and facilities shall be maintained continuously in effective operation by the owner at the owner's expense.
- C. Require grease, oil, and sand traps when, in the opinion of the Engineer-Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such traps shall not be required for private living quarters or dwelling units. All such traps shall be of a type and capacity approved by the Local Authority and shall be located as to be readily and easily accessible for cleaning and inspection. Such traps shall be inspected, cleaned, and repaired regularly, as needed, by the owner at the owner's expense.

Section 10. Manhole for Observation, Metering and Sampling

When required by the Engineer-Director, the owner of such property serviced by a sewer shall install a suitable control manhole together with necessary meters, and other appurtenances in said sewer to facilitate observation, sampling, and measurement of wastes. Such manhole or other wastewater access,

when required, shall be located in a safe and accessible place, and shall be constructed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times. The location of manholes for purposes of sampling industrial waste subject to Federal Categorical Standards shall be located at the end of the regulated process. All local limits imposed by these regulations are applied at the end-of-pipe connection to the publicly owned sewer system. Federal Categorical Standards and local limits apply to process wastewater as defined in 40 CFR 401.11(q). Boiler blowdown, non-contact cooling water, and sanitary wastewater are classified as dilution wastestreams.

Section 11. Powers of the Engineer-Director to Control Discharges

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers which waters or wastes contain the substances or possess the characteristics enumerated in Section 2 of this Article, and which in the judgment of the Engineer-Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the Engineer-Director may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over quantities and rates of discharge;
- D. Deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by the industrial users where such contributions do not meet applicable pretreatment standards or requirements or where such contributions would cause the POTW to violate its NPDES permit;
- E. Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of Article III Section 12 of these regulations.

If the Engineer-Director permits the pretreatment or equalization of waste flows, the design and equipment plans shall be subject to review and approval of the Engineer-Director, and subject to the requirements of all local, State, and Federal codes, ordinances, and laws.

Section 12. Special Agreement Between Upper Blackstone and Industries

No statement contained in this article shall be construed as preventing any special agreement or arrangement between Upper Blackstone and any industrial or commercial concern whereby waters or wastes of unusual strength or character may be accepted by Upper Blackstone for treatment, subject to payment therefore, by the industrial or commercial concern. Any agreement with an industrial or commercial concern shall require compliance with Federal Pretreatment Regulations and Local Pretreatment Regulations.

Section 13. Hauled Wastewater

- A. Septage waste may be introduced into the treatment plant at the designated receiving area within the treatment plant. Such wastes shall not violate any part of Article III section 2. of these regulations or any other requirements established by Upper Blackstone.

- B. Non-hazardous industrial/commercial waste may be introduced into the treatment plant at a designated receiving area within the treatment plant. Such waste shall not violate any section of Article III of these regulations or any other requirement established by Upper Blackstone.
- C. Licenses for waste haulers to discharge at the designated receiving area shall be issued by the Engineer-Director.
- D. The Engineer-Director may issue wastewater discharge permits to the original source of hauled waste. The Engineer-Director shall have authority to prohibit the disposal of hauled wastes.
- E. All non-hazardous hauled wastes generators are required to submit a permit application and have prior consent from the Engineer-Director for disposal at the treatment plant. Upper Blackstone may collect samples of each load to ensure compliance with applicable standards. The Engineer-Director may require the hauler to provide a waste analysis of any load prior to discharge.
- F. Waste haulers must provide a permit form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck and trailer identification, source(s) of waste, and volume and characteristic of waste. In addition, for hauled non-hazardous industrial wastes, the form shall identify the sources of waste, and known or suspected waste constituents. RCRA hazardous wastes, as defined in MA DEP Hazardous Waste Regulations, are prohibited discharges.
- G. In all cases, Upper Blackstone reserves the right to accept or reject any waste as it deems necessary. Upper Blackstone may stop a discharge operation from a truck in progress at any time.
- H. A hauled waste permit or hauler's license may be suspended or revoked immediately for any violations of these regulations.
- I. Permits for hauled waste shall not exceed 1 year.

ARTICLE IV DISCHARGE PERMITS

Section 1. Upper Blackstone Notice to Industrial Users

The Engineer-Director shall notify industrial users of categorical pretreatment standards and any applicable requirements under Section 204(d) and 405 of the Federal Clean Water Act (33 U.S.C. 46 et seq.) and subtitles C and D of the Federal Resource Conservation and Recovery Act (42 U.S.C. 4901 et seq.), but failure to notify does not relieve industrial users from compliance.

Section 2. Existing Connections

All industrial users shall apply for a discharge permit. Such application shall be made by completing a form developed by the Engineer-Director. No industrial user may discharge wastewater without having submitted a completed permit application to the

Upper Blackstone. Permit applications will be reviewed by Upper Blackstone, and a decision will be made as to whether a discharge permit is issued by Upper Blackstone.

Section 3. New Connections

New industrial users shall apply for a discharge permit at least 60 calendar days before connecting to a public sewer. As part of such application, the Engineer-Director may require the applicant to obtain written certification from the appropriate Federal or State regulatory agencies as to whether the applicant falls within particular industrial categories or subcategories for purpose of Industrial Pretreatment Standards.

Section 4. New Federal Categorical Standards

Within 90 calendar days after adoption by a Federal or State regulatory agency of a Categorical Pretreatment Standard, existing industrial users subject to such standards shall submit an application for a revised permit containing information required under applicable Federal and State industrial pretreatment reporting regulations in the form required by the Engineer-Director.

Section 5. Discharge Permit Application Contents

All industrial users are required to submit a permit application. The Engineer-Director shall approve a form to be used as a permit application. In addition, the following information may be requested:

- A. The name and address of the facility, including the name of the operators and the owners;
- B. A list of all environmental permits held by or for the facility;
- C. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility;
- D. A schedule of actions to be taken to comply with the categorical standards, i.e. a compliance schedule;
- E. Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams;
- F. An identification of the industrial pretreatment standards applicable to each regulated process;
- G. An analysis identifying the nature and concentration of pollutants in the discharge along with a full priority pollutant scan and a full analysis of all local limits shown in Article III Section 4.

Section 6. Discharge Permit Decisions

Upper Blackstone will evaluate the data furnished by the industrial user and may require additional information. Within thirty days of receipt of a complete discharge permit application, the Engineer-Director will determine whether or not to issue a wastewater discharge permit. The Pretreatment Coordinator may issue discharge permits on behalf of the Engineer Director. The decision whether to

issue a discharge permit will be based on the total flow of the discharge, pollutant concentration, categorical standards, and potential for discharge from the facility.

Section 7. Industrial Discharge Without Permit

Beginning 180 calendar days after the adoption of Federal, State, or local pretreatment standards, industrial users subject to such standards may not discharge industrial wastes from regulated processes to a public sewer, unless an application for a revised permit, submitted under Article IV Section 4, is approved by the Engineer-Director and the terms of any permit modification are being met.

Section 8. Permit Conditions

Industrial User Discharge Permits shall be expressly subject to all provisions of these regulations and all other applicable regulations. Permits may contain the following:

- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a sewer;
- B. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.
- C. Requirements to control Slug Discharge, if determined by Upper Blackstone to be necessary.
 - a. Limits on the average and maximum wastewater constituents and characteristics;
 - b. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- D. Requirements for installation and maintenance of inspection and sampling facilities.
- E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
- F. Compliance schedules;
- G. Requirements for submission of technical reports or discharge reports;
- H. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by Upper Blackstone, and affording access thereto;
- I. Requirements for notification of Upper Blackstone of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- J. Requirements for notification of all discharges that could cause problems to the POTW, including any slug loadings, as defined by Article I (66) by the industrial user.

- K. Other conditions as deemed appropriate by Upper Blackstone to ensure compliance with these regulations. Including the power of the Engineer-Director to revoke the industrial user Discharge Permit for violations of the permit conditions.
- L. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Engineer-Director during the term of the permit as limitations or requirements are modified or other just causes exist. The user shall be informed of any proposed changes in their permit at least 30 days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance.
- M. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
- N. Industrial User Discharge Permits are issued to a specific user for a specific operation. A discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without approval of the Engineer-Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Section 9. Temporary Discharge Permits

No person shall discharge or cause to be discharged, directly or indirectly, into the sewer system, any dewatering or groundwater remediation wastewater without first submitting a permit application to the Upper Blackstone for a temporary discharge. The application shall contain the following:

- A. The name of the owner and operator of the site, facility, or premises of the temporary discharge;
- B. The address of the site, facility, or premises of the temporary discharge;
- C. The expected flow rate from the discharge;
- D. The proposed duration for the temporary discharge;
- E. Sampling and analyses of the proposed discharge prior to treatment. Analyses must include all pollutants expected to be present and full priority pollutant scan and local limits;
- F. The pretreatment equipment and flow equalization equipment proposed to treat the temporary discharge;
- G. The name(s) of the certified wastewater treatment operator(s) who will be operating the pretreatment equipment;
- H. The Engineer-Director may approve acceptance of the wastewater by Upper Blackstone.

Approval must be obtained from Upper Blackstone member community for all temporary discharges. Member communities may require further applications, permits, and fees for temporary discharges.

Upper Blackstone reserves the right to suspend or revoke any temporary discharge permit or approval under Article IV Section 10.

Section 10. Discharge Permit Revocation

Discharge permits may be revoked for, but not limited to the following reasons:

- A. Failure to provide notice to Upper Blackstone of significant changes to the wastewater;
- B. Failure to provide prior notification to Upper Blackstone of changed conditions pursuant to Article IV Section 8(i) of these regulations;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow Upper Blackstone timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to meet compliance schedules;
- I. Violation of any pretreatment standard or requirement, or any terms of the discharge permit or these regulations.

ARTICLE V REPORTING REQUIREMENTS

Section 1. Baseline Monitoring Report

Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to Upper Blackstone a report which contains the information listed in 40 CFR 403.12(b)(1)-(7).

Section 2. Compliance Schedules

Whenever a compliance schedule is required to meet pretreatment standards or requirements, such 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 industrial user to meet the applicable categorical pretreatment standards and/or local limits (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment referred to in this section shall exceed 9 months. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to Upper Blackstone including, at

a minimum, whether or not it complied with the increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event, shall more than 9 months elapse between such progress reports to Upper Blackstone.

Section 3. Report on Compliance

Within 90 days after the date for final compliance by existing industrial users with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into a public sewer, such industrial users shall submit a report to the Engineer-Director indicating the nature and concentration of pollutants in the discharge from the regulated process governed by categorical pretreatment standards and the average and maximum daily flow for these process units. Such report, in accordance with 40 CFR 403.12, shall contain a statement reviewed by an authorized representative of the industrial user and certified to by a qualified professional indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

Section 4. Periodic Compliance Reports

- A. Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after the commencement of the discharge into the POTW, shall submit to Upper Blackstone during the months of June and December, unless required more frequently in the pretreatment standard or by Upper Blackstone, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge.
- B. Where Upper Blackstone has imposed mass limitations on industrial users, the report shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.
- C. For industrial users subject to equivalent mass or concentration limits the report shall contain reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required shall include the user's actual average production rate for the reporting period.

Section 5. Non-Categorical Industrial Users

Upper Blackstone shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Permitted non-categorical industrial users shall submit to Upper Blackstone at least once every six months (on dates specified by Upper Blackstone) a description of the nature, concentration, and flow of the pollutants required to be reported by Upper Blackstone.

Section 6. Notification of Violation and Re-sampling Requirement

If sampling performed by an industrial user indicates a violation, the user shall notify Upper Blackstone within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to Upper Blackstone within 30 thirty days after becoming aware of the violation.

Section 7. Certification Statement

Baseline Monitoring Reports, 90 Day Compliance Reports, Compliance Schedule Progress Reports, Self-Monitoring Reports, and Periodic Compliance Reports, shall include the certification statement as most recently set forth at 40 CFR 403.6(a)(2)(ii).

Section 8. Authorization for Reports

Reports and permit applications submitted by industrial users under these regulations shall be signed by an authorized representative. An authorized representative may be:

- A. A principal executive officer of at least a level of vice president, if the industrial user is a corporation;
- B. A general partner or the proprietor, if the industrial user is a partnership;
- C. A duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operation of the subject facility.

Section 9. Notification of the Discharge of Hazardous Waste

As required in 40 CFR 403.12(p)(1)(2) and (3) industrial users must notify Upper Blackstone in writing of any discharge of any substance listed under 40 CFR 261.

Section 10. Slug Discharge Reports

All industrial users shall immediately notify Upper Blackstone of a slug discharged by such user. If Upper Blackstone decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying Upper Blackstone of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of

containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 11. Confidentiality of Information

Information submitted by industrial users shall be available to the public or other governmental agencies without restriction, unless the person providing such information specifically requests and is able to demonstrate to the satisfaction of the Engineer-Director that the release of such information would divulge processes or methods of production entitled to protection as trade secrets. Trade secrets shall not be made available for inspection by the public, but shall be made immediately available upon the request of governmental agencies for their use regarding these regulations, the National Pollutant Discharge Elimination System (NPDES) permit, any State disposal system permits, and/or the pretreatment program. Government agencies shall have immediate access to all industrial user information including any trade secrets. Wastewater constituents and characteristics shall not be recognized as trade secrets. Any Document containing trade secrets shall be clearly marked on the front page that it contains such information, and each page of the document that contains such information shall likewise be marked. Marking shall, as a minimum, state in bold letters not less than .1 inch in height "TRADE SECRETS".

Section 12. Measurements, tests, and analyses of Waters and Wastes

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the most recent procedures in 40 CFR Part 136, and shall be determined at the sampling location provided, or upon suitable samples taken at said location. Sampling shall be carried out by customarily accepted methods to reflect the effect of the constituents of the waters or wastes upon the sewage works and to determine the existence of hazards to life, limb, and property. In addition, sampling for industrial waste subject to Federal categorical pretreatment standards shall be performed at a location, and in such a way, as to be representative of industrial wastewater at the end of the process, but prior to mixing with sanitary waste. Sampling of industrial waste subject to local limits regulations shall be performed at the end of pipe prior to mixing with dilution wastestreams. The particular analyses involved will determine whether 24-hour composite of all outfalls of a facility is appropriate or whether a grab sample or samples should be taken. Normally, but not always, biochemical oxygen demand (BOD), suspended solids, and metals analyses are composite samples. Cyanide, oil & grease, pH, and toxic organics are taken as grab samples.

Section 13. Recordkeeping

All industrial users subject to the reporting requirements of these regulations shall retain, and make available for inspection and copying by Upper Blackstone and its member communities, all records of information obtained pursuant to any monitoring activities required by these regulations and any additional records of information pursuant to monitoring, operation, and maintenance activities undertaken by the industrial user. Records shall include maintenance, installation, calibrations, and operational daily logs. Monitoring records shall include the date, exact place, method, and time of sampling and the name(s) of the person(s) taking the samples; the dates the analyses were performed; who performed the analyses; the approved analytical methods used; and the results of such analyses. These records shall remain available for a period of at least three years.

Section 14. Selling, Closing or Moving a Business, Facility or Process

Any industrial user located within Upper Blackstone who will be selling, closing or moving their business or process from its present location must notify Upper Blackstone at least thirty (30) days prior to disposing of any process waste associated with the shutdown. Upper Blackstone has a Facility Shut Down Procedure which must be followed upon selling, closing or moving a business or operation. The Facility Shut Down Procedure shall include at a minimum the following elements:

- A. An inventory specifying the amount of each chemical and each solution on the premises, whether in storage or in process tanks.
- B. A written plan detailing how each chemical solution is to be disposed of (i.e. discharged to sewer with or without pretreatment, sold, hauled off-site as hazardous waste, etc.);
- C. The information in Section 14. (a) and (b) above must be reviewed and approved by Upper Blackstone prior to disposal of any solutions or chemicals (whether discharge is to sewer or not). Only those solutions approved by Upper Blackstone can be discharged to the sewer system. Upper Blackstone must be informed at least 48 hours in advance of when chemicals are to be shipped off-site or discharged to the sewer. A copy of each hazardous waste manifest form for any chemicals or solutions disposed of off-site must be submitted to Upper Blackstone as soon as they are completed. A copy of each sales receipt, credit slip, etc. for any chemicals or solutions that are sold or returned to the suppliers must be submitted to Upper Blackstone as soon as they are completed.

ARTICLE VI COMPLIANCE MONITORING

Section 1. Upper Blackstone Compliance Monitoring

Upper Blackstone shall, without prior notice, randomly sample and analyze the discharges of industrial users and conduct surveillance and inspection activities to identify, independent of information supplied by such persons, compliance with these regulations.

Section 2. Inspection Powers of the Engineer-Director and its Agents

The Engineer-Director and its duly authorized agents bearing proper credentials and identification shall be permitted to enter all properties connected with the public sewers for the purpose of inspection, observation, measurement, sampling, and testing, all in accordance with the provisions of these regulations. The inspectors may inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, plating, biotechnology, machining, or other industrial activities to inspect and copy records. Unreasonable delays in allowing Upper Blackstone access to the industrial user's premises shall be a violation of these regulations.

Section 3. Inspectors to Observe Safety Rules on Private Property

While performing the necessary work on private properties referred to in Article VI Sections 1 and 2, the Engineer-Director and its duly authorized agents of Upper Blackstone, shall observe all safety rules applicable to the premises established by the private property owners. Said private property owners shall be held harmless for injury or death to Board members and Upper Blackstone employees, and Upper Blackstone shall indemnify the private property owner against loss or damage to its property by the Board members and by Upper Blackstone employees and against all liability claims and demands for personal injury or property damage asserted against the private property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence of failure of the private property owner to maintain safe conditions as required in Article II Section 10 of these regulations.

Section 4. Search Warrants

If the Engineer-Director or its duly authorized agents have been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate a need to inspect as part of a routine inspection program of Upper Blackstone designed to verify compliance with these regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Engineer-Director may seek issuance of a search and/or seizure warrant from the appropriate court. Such warrant shall be served at reasonable hours by the Engineer-Director or its duly authorized agent in the company of a uniformed police officer in Upper Blackstone service area. The industrial user will be responsible for all costs associated with obtaining the search warrant.

Section 5. Authority of Upper Blackstone in Easements Acquired by Upper Blackstone

The Engineer-Director and other duly authorized agents of Upper Blackstone bearing proper credentials and identification shall be permitted to enter all private properties through which Upper Blackstone holds a duly acquired easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be in full accordance with the terms of the duly acquired easement pertaining to the private property involved. This provision regarding easements shall not be a limitation on the power of inspectors provided by Article VI Section 2.

Section 6. Publication of Users in Significant Noncompliance

The Upper Blackstone must comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. In February of each year Upper Blackstone must provide public notification of Significant Industrial Users (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of 40 CFR 403.8) that were in significant noncompliance with applicable pretreatment standards or requirements. This notice will be published in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by Upper Blackstone. The term Significant Noncompliance shall be defined as any violation(s) which meet one or more of the following:

- a. Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more or all of the measurements taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

- b. Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all the measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC criteria (TRC = 1.4 for BOD, TSS, fats, oil, & grease, and 1.2 for all other pollutants except pH);
- B. Any other violation of a pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public.);
- C. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- D. Failure to meet within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- E. Failure to provide any required reports including but not limited to baseline monitoring reports, permit applications, permit application for reapplication to renew a permit, 90 day compliance reports, self-monitoring reports, and reports on compliance schedules within 30 days of the due date;
- F. Failure to accurately report noncompliance; or
- G. Any other violation or group of violations which Upper Blackstone considers to be significant.

ARTICLE VII ENFORCEMENT

Section 1. Notification of Violation

When the Engineer-Director finds that a user has violated any provision of these regulations, a discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Engineer-Director may serve upon that user a written notice of violation.

Section 2. Consent Orders

The Engineer-Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document.

Section 3. Compliance Orders

When the Engineer-Director finds that a user has violated or continues to violate any provision of these regulations, discharge permit, or other pretreatment standards or requirements, the Engineer-Director

may issue an order to the user responsible for the discharge to come into compliance within a specified time period. A compliance order may contain other requirements to address the noncompliance including additional self-monitoring, a compliance schedule to install additional equipment, and management practices designed to minimize the amount of pollutants discharged to the sewer.

Section 4. Cease and Desist Orders

When the Engineer-Director finds that a user has violated or continues to violate any provision of these regulations, a wastewater discharge permit or order issued hereunder, or that the user's past violations are likely to recur, the Engineer-Director may issue an order directing it to cease and desist all such violations and directing the user to immediately comply with all requirements.

Section 5. Upper Blackstone Emergency Authority

The Engineer-Director may immediately halt or prevent any discharge of pollutants reasonably appearing to present an imminent endangerment to the health and welfare of persons, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of Upper Blackstone sewage works. Actions which may be taken by the Engineer-Director include, but are not limited to, seeking ex parte temporary injunctive relief, entry on private or public property to halt such discharge, by blockage or severance of a public sewer to halt such discharge, or demand of specific action by the discharger.

The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent an endangerment to the environment or which threatens to interfere with the operation of the POTW.

Section 6. Injunctive Relief

When the Engineer-Director finds that a user has violated, or continues to violate any provision of these regulations, discharge permit, or other pretreatment standard or requirement, the Engineer-Director may petition the appropriate court through the Upper Blackstone's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of these regulations, discharge permit, or other pretreatment standard or requirement.

Section 7. Civil Penalties

A user which has violated or continues to violate any provision of these regulations, discharge permit, or any other pretreatment standard or requirement, shall be liable to Upper Blackstone for a maximum civil penalty of \$10,000.00 per violation, per day. Each day in which any such violation shall continue shall be deemed a separate offense. In the case of a monthly, 4-day average, or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. In determining the amount of the civil penalty, the Upper Blackstone shall take into account all relevant circumstances, including, but not limited to: the extent of harm caused by the violation; the magnitude and duration, any economic benefit gained through the user's violation; and the compliance history of the user.

Section 8. Criminal Prosecution

Upper Blackstone shall pursue criminal prosecution against any user who knowingly made any false statements, representations or certifications, or knowingly rendered inaccurate monitoring data required in these regulations. Upper Blackstone shall also pursue criminal prosecution against any user which willfully or negligently introduced any substance into the POTW which causes personal injury or property damage.

Section 9. Violator's Liability to Upper Blackstone for Damages

Any person violating any of the provisions of these regulations shall become liable to Upper Blackstone for any expense, loss, or damage suffered, by Upper Blackstone by reason of such offense. The Engineer-Director may recover attorneys' fees, court fees, sampling and monitoring fees, penalty fees, and any other expenses associated with enforcement activities.

Section 10. Willful Interference with Property and Equipment

No unauthorized person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works or any other property of Upper Blackstone. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.

Section 11. Trespass

No unauthorized person shall enter or remain in or upon any land or structure of Upper Blackstone. Any person violating this provision shall be subject to immediate arrest under charge of trespass.

ARTICLE VIII HEARING BOARD

Section 1. Appointment of Hearing Board

A hearing Board may be appointed as needed by the Board for arbitration of differences between the Engineer-Director and users of matters concerning the application, interpretation, and execution of the provisions of these regulations by the Engineer-Director.

Section 2. Request for Hearing Board

A user, by written application to the Board, may request that any such matter be referred to a Hearing Board. The application shall state the reason for the referral to the Hearing Board and shall be accompanied by a filing fee of \$25.00.

Section 3. Hearing Board Members

One member of the Hearing Board shall be a registered professional engineer; one member shall be a person skilled in sanitation science; and one member shall be selected for their interest in accomplishing the objectives of these regulations.

Section 4. Findings of the Hearing Board

The Hearing Board shall forthwith schedule a hearing on the matter and shall publish its findings by mailing by certified mail a copy of said findings to the sewer user and to the Upper Blackstone Clean Water Pollution Board no later than 21 calendar days subsequent to the hearing. If the findings of the Hearing Board shall require action by the user, the user shall proceed as directed by the Upper Blackstone Clean Water Board.

Section 5. Apportionment of Cost

The Hearing Board in its findings shall also recommend to the Upper Blackstone Clean Water Board an apportionment of the cost of the hearing to be assessed to Upper Blackstone and the sewer user.

ARTICLE IX PRETREATMENT CHARGES AND FEES

The Upper Blackstone has adopted fees for reimbursement of costs of implementing and operating the Upper Blackstone's Pretreatment Program. This rate may increase from time to time, but not more than an annual increase of 3%.

Permitted Industrial Users Fees:

Permit Fees 100.00 per year permit fee, plus 2,200.00 per sampling location per year.

Temporary Permit Fees 100.00 per year permit fee, plus 1,100.00 per sampling location per year.
(If less than one year and greater than 30 days same fee applies)

Explanation of fees:

- A. Fees for discharge permits and applications including the cost of processing such applications;
- B. Fees for monitoring, inspections, and surveillance procedures including the cost of collection and analyzing a user's discharge for all permitted parameters and local limits, and reviewing monitoring reports submitted by users;
- C. Other fees Upper Blackstone may deem necessary to carry out the requirements contained herein.

ARTICLE X VALIDITY OF REGULATIONS

Section 1. Pre-Emption of Existing Ordinances and Regulations

These regulations supersede any sewer ordinances, sewer regulations, or any other statutes in conflict therewith, that are in effect in any member city, town, or sewer district of the Upper Blackstone Clean Water.

Section 2. Validity of Existing Ordinances and Regulations of Upper Blackstone Members

Sewer ordinances, sewer regulations, or other statutes concerned with sewage works in any member city, town, or sewer district, now in effect, may continue to be effective, provided that there is no conflict of interpretation or coverage of the contents with these regulations.

Section 3. Invalidity

The invalidity of any section, clause, sentence, or provision of these regulations shall not affect the validity of any other part of these regulations which can be given effect without such invalid part or parts.

Section 4. Amendments

These regulations may be amended by affirmative vote of two-thirds (2/3) of the authorized membership of the Board at any regular meeting of the Board at which a quorum is present. Any proposed amendment shall be submitted in writing to all members of the Board at least 14 days prior to the meeting at which said vote is to be taken.

Said amendment shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

ARTICLE XI REGULATIONS IN FORCE

Section 1. Effective Date of Regulations

These regulations shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.

Section 2. Adoption Action

These regulations were passed and adopted by the Board of the Upper Blackstone Clean Water on February 12, 2020

Signed: Elizabeth A. Mailhot
Elizabeth A. Mailhot, SHRM-CP
Upper Blackstone Clerk/H.R. Manager