

Sewer Use Regulations

TOWN OF DANVERS DEPARTMENT OF PUBLIC WORKS SEWER USE RULES AND REGULATIONS

I AUTHORITY AND PURPOSE

A. Authority

The following Regulations are hereby adopted under the Danvers Sewer Act Chapter 229 Acts of 1916 as amended, Danvers Town Manager Act as amended, Chapter XXXIV of the Town's Bylaws, Massachusetts General Laws Chapter 41, Section 69B, The National Clean Water Act, South Essex Sewerage District enabling Legislation Chapter 229 Acts of 1925 most recently amended, M.G.L. Chapter 83, the Commonwealth of Massachusetts Regulations 314 CMR 7.00 and 12.00, the SESD Sewer Use Regulations adopted on February 5, 2006, as amended; and the Danvers Sewer Use Bylaw enacted at the November 20, 1972 Special Town Meeting of the Town of Danvers.

B. Purpose

These Regulations are intended to protect the public health, safety, welfare and the environment and to ensure the safe and proper operation of the Town of Danvers Sanitary Sewer System by regulation the direct and indirect discharge of wastewater, stormwater, infiltration & inflow and pollutants to the Town's Wastewater Collection System.

C. Adoption and Amendment

These Regulations, fee schedules and water usage rates may be periodically amended in accordance with the procedures outlined in Chapter 229 Acts of 1916, as amended; by the Danvers Town Manager Act, as amended; and Chapter XXXIV of the Town Bylaws.

D. Effective Date:

The Town Manager, in accordance with Chapter XXXIV of the Town Bylaws; and, after a Public Hearing and approval by the Board of Selectmen; shall adopt these Sewer Regulations and shall become effective upon signature by the Town Manager and filing with the Town Clerk.

II DEFINITIONS

Terms which are not defined herein shall be interpreted as defined in the most recent edition of the Glossary-Water and Wastewater Control Engineering, published by the Water Pollution Control Federation (WPCF), now called the Water Environment Federation (WEF), Washington, DC. Throughout

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these Regulations, “shall” is mandatory, and “may” is permissive. Unless the content specifically indicates otherwise, the meaning of the terms used in these Regulations shall be as follows:

Applicant shall mean any property owner or duly authorized owner’s agent applying for water service or for a water main extension, alteration, replacement or relocation.

Automated Meter Reading Device (AMI) shall mean a device(s) used for reading a water meter without having to enter a premise.

Backwater valve shall mean a device installed in a building drain, building sewer, or a building storm drain to prevent the discharge from the building, or flows originating outside the building, from flowing back into the building.

Bacteria treatment shall mean the introduction into the wastewater system of microorganisms specifically bred to accelerate the natural decomposition of fats, oils and grease of animal, vegetable or organic matter.

Blowdown shall mean the minimum discharge of re-circulated water from a heating or cooling system for the purpose of preventing the concentration of materials contained in the water from exceeding limits established by best engineering practice.

Biochemical Oxygen Demand or BOD shall mean the quantity of oxygen utilized in five days at twenty (20) degrees Celsius (C), expressed in milligrams per liter (mg/l), in the biochemical oxidation of wastewater as determined by a procedure described in Standard Methods.

Board of Health shall mean the Town of Danvers Board of Health.

Building shall mean any structure used for human occupancy, employment, recreation or other purposes.

Bonded Contractor shall mean a contractor having the appropriate bonding insurance and drain layers license necessary to perform work on the Town of Danvers distribution system and/or connections to the Danvers Wastewater Collection System.

Building drain shall mean the lowest horizontal piping of a plumbing or drainage system which extends from inside or outside the walls of a building to a point ending ten (10) feet (3.048 meters) outside the inner face of the building foundation wall. The building drain conveying wastewater from the plumbing fixtures within the building shall discharge to a building sewer, while the building drain conveying stormwater and other drainage shall discharge to a building storm drain.

Building sewer, also referred to as a house connection, particular service or lateral, shall mean the pipe which connects to a building drain conveying wastewater from plumbing fixtures within a building to a

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Town Sewer, a private sewer, and South Essex Sewerage District (SESD) Sewer, or other place of disposal. The building sewer begins ten (10) feet outside the inner face of the building foundation wall and extends to and includes the connection to the Town, SESD or private sewer.

Building storm drain shall mean the pipe which connects a building drain conveying storm water to a storm drain, combined sewer, or other place of disposal. The building storm drain begins ten feet outside the inner face of the building foundation wall and extends to and includes the connection to the Commission's storm drain, combined sewer or private combined sewer or drain.

Bypass shall mean an intentional or negligent diversion of a waste stream, by direct or indirect means, to the Commission's wastewater system, from any portion of a pretreatment facility prior to completing pretreatment, or from any industrial process or other source of wastewater prior to pretreatment.

Categorical Pretreatment Standard or Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Federal Water Pollution Control (Clean Water) Act which applies to Industrial Users.

Chemical Oxygen Demand or **COD** shall mean the oxygen equivalent of the portion of the organic matter that is susceptible to oxidation by a strong chemical oxidant, expressed in milligrams per liter, as determined by a procedure described in Standard Methods.

Cleanout shall mean a device or structure designed to provide access to a building drain, building sewer or building storm drain for the purpose of eliminating blockages and removing deposited or accumulated materials.

Clean Water Act shall mean the of the Federal Water Pollution Control (Clean Water) Act P.L. 92-500 as amended.

Collection system shall mean the pipes, conduits, pumping stations, and appurtenances involved in the collection and transport of wastewater and stormwater.

Combined sewer (system) shall mean a sewer designed to receive both wastewater and storm or surface water.

Combined Sewer Overflow (CSO) or Combined Sewer Outfall shall mean the portion of a pipe extending from a combined sewer regulator downstream to its outlet. This term is also used to mean any intermittent overflow, bypass or other discharge from a municipal combined sewer system which results in excess flow of the dry weather carrying capacity of the system.

Composite sample shall mean a combination of individual samples of wastewater or stormwater taken at predetermined intervals to represent the integrated composition of the sample source.

Condominium shall mean an independently owned unit of a residential or commercial building.

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Connection shall mean the point where a sewer or drain is joined to another sewer or drain.

Consumption shall mean the amount of water used, as measured by a water meter, by other metering methods or as estimated by the Danvers Sewer Division in accordance with billing, practices and policies.

Cooling water shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration or other system of heat transfer.

Customer shall mean the legal title holder of the property responsible for payment of bills for charges for water and sewer service to a property whether or not the premises are occupied by the customer or the customer's authorized representatives.

Daily maximum limit shall mean the highest allowable concentration for a pollutant in a waste stream.

Danvers shall mean the Town of Danvers.

DEP (Department) shall mean the Massachusetts Department of Environmental Protection.

Design Criteria shall mean standards for design used by the Danvers Sewer Division for construction and rehabilitation of public sewer mains, sewer service pipes and pumping facilities.

Dewatering drainage shall mean groundwater or surface water which is removed from a site and discharged beyond the limits of the site by means of gravity or pumping.

Dig Safe shall mean the "One-Call" Notification System for member utilities to locate and mark out the location of underground utilities in accordance with M.G.L. Chapter 82, Section 40 and Massachusetts Code of Regulations 200 CMR 99.00.

Direct Connection Permit shall mean the permit required and issued by the SESD for connection of a building sewer directly to a SESD sewer line.

Director of Public Works shall mean the Public Works Director of the Town of Danvers.

Discharge shall mean flow from a canal, conduit, sewer, drain, outfall, pump, stack, tank or treatment process, or any emission, intentional or unintentional including but not limited to flow resulting from spilling, leaking, seeping, pumping, pouring, emitting, emptying, depositing, dumping, releasing, injecting, escaping, leaching or infiltrating whether direct or indirect.

Discharge of Pollutants shall mean any addition of any pollutant or combination of pollutants to the Waters of the Commonwealth from any source, including but not limited to, discharges from surface

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runoff which is collected and channelized by man, discharges through pipes, sewers, or other conveyances owned by a state, municipality or other person that does not lead to a POTW and discharges through pipes, sewers, or other conveyances leading into a privately owned treatment works.

Downspout shall mean a pipe which conveys water from the roof of a building into a storm drain or combined sewer or into or onto the ground. Also called a roof drain or roof leader.

Drainage Discharge Permit shall mean the permit required and issued by the Commission for certain discharges to the Commission's wastewater or storm drainage system.

Dry well shall mean a pit or underground cavity having porous walls installed to drain surface water and storm drainage into underground strata.

Dwelling unit shall mean a house, apartment, mobile home or trailer, group of rooms or single room occupied or intended for occupancy as a separate living quarter.

Discontinuance shall mean a temporary or permanent cessation of sewer service at the premise at the request of an owner or customer for reasons other than ordinary repair or maintenance.

Easement shall mean an acquired legal right for the specific use of land owned and maintained by others, whether recorded or by prescription.

Effluent shall mean the discharge of wastewater, or other pollutants into the environment, irrespective of treatment, flowing out of a treatment facility into the environment or part thereof.

Effluent Limitation shall mean the requirement, restriction or standard imposed by the Department relative to quantities, discharge rates and concentrations of pollutants which are discharged from point sources into the Waters of the Commonwealth or to treatment works.

EPA or USEPA shall mean the United States Environmental Protection Agency.

Erosion and Sedimentation Control Plan shall mean a plan for controlling the erosion of soil and preventing the introduction of sediment to a sewer or storm drain during and after construction.

Excessive shall mean more than the limits established in these Regulations, directly or by reference, or more than limits determined by the Town of Danvers and SESD to be acceptable.

Federal Act shall mean the Federal Water Pollution Control (Clean Water) Act, 33 U.S.C. ss.1251.

Floatable oil shall mean oil, fat or grease of animal or vegetable origin, or petroleum derived oil or grease in a physical state such that it will separate by gravity from wastewater or by treatment in an approved pretreatment facility.

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Floor drain shall mean an intended drainage point in an otherwise impervious floor which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

Garage shall mean any building wherein one or more motor vehicles are services, kept or stored and shall include (without limitation) a public or private garage, carport, motor vehicle repair or paint shop, service station, lubrication facility, car wash, gasoline station with grease pits or wash racks, or any building used for similar purposes.

Garbage shall mean the animal and vegetable wastes resulting from the domestic or commercial handling, storage, sale, preparation, cooking, or dispensing of food.

Grab sample shall mean a sample of wastewater or stormwater taken on a one-time basis without consideration of time.

Grease trap shall mean a receptacle designed to collect and retain or remove grease and fatty substances from wastewater normally resulting from the commercial handling, preparation, cooking or dispensing of food. Also known as a grease interceptor in the Uniform State Plumbing Code, 248 CMR 10.00.

Grease Interceptor shall mean a receptacle (tank) no less than 1500 gallons in volume, as approved by the Town Engineer, to collect and retain or remove grease and fatty substances from wastewater normally resulting from the commercial handling, preparation, cooking or dispensing of food.

Groundwater shall mean a supply of water under the earth's surface contained within or flowing through a geological formation.

Hazardous Industrial Wastewater Sludge shall mean a solid or semi-solid waste that has been characterized as hazardous waste pursuant to 310 CMR 30.00: Hazardous Waste.

Hazardous waste shall mean a waste, or combination of wastes, that at the time of discharge as defined:

(a) is identified as a hazardous waste by EPA pursuant to the Resource Conservation and Recovery Act, 42 USC 6901, et seq., and is listed in 40 CFR Part 261, as amended from time to time;

(b) has any of the hazardous waste characteristics identified by EPA in 40 CFR Part 261 as amended from time to time;

(c) has been identified by DEP as a hazardous waste pursuant to M.G.L. c. 21C and is listed in 310 CMR 30.000; as amended from time to time; or

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(d) has any of the hazardous waste characteristics identified by DEP in 310 CMR 30.000, as amended from time to time.

A waste that would be hazardous waste pursuant to the EPA or DEP criteria but for the fact that it is discharged to the sanitary sewer system shall be, for purposes of this definition, a hazardous waste unless it is in wastewater which is discharged to the sewer system pursuant to a permit issued under these Regulations and in compliance with the Commission's and the SESD discharge limits.

Illegal connection shall mean any connection to a storm drain which allows wastewater to discharge to a storm drain, also called an illicit connection.

Incompatible pollutant shall mean a substance that is not amenable to removal by the receiving wastewater treatment plant or which may cause damage to the transmission or treatment facilities or adversely impact overall treatment. Incompatible pollutants include, but are not limited to, heavy metals and persistent organics.

Individual wastewater disposal system shall mean a privately owned septic tank, cesspool or similar self-contained receptacle or facility which collects, treat or otherwise disposes of wastewater.

Industrial Pretreatment Program (IPP) shall mean IPP program managed by the SESD in accordance with the NPDES Discharge Permit to insure compliance with the National Categorical Pretreatment Program Standards Sections 307(b) and (c) of the Federal Water Pollution Control (Clean Water) Act which applies to Industrial Users and 40 CFR 403.5 (a) and (b), of the National Categorical Pretreatment Standards.

Industrial waste shall mean any solid, liquid or gaseous waste or wastewater, or combination thereof, resulting from an industrial or manufacturing process, or from a commercial, governmental, or institutional activity, or from the development recovery or processing of natural resources. Industrial wastes do not include, and are distinct from, sanitary sewage, uncontaminated cooling water, non-contact cooling water and non-contact industrial process water.

Industrial Wastewater shall mean the waste in liquid form resulting from any process of industry, trade or business regardless of the volume or pollutant content. Waste in liquid form consisting of only sewage is not considered industrial wastewater.

Industrial Wastewater Pretreatment System (IPWS) shall mean a treatment works for Industrial Wastewater Pretreatment prior to discharge into a collection system for a POTW as further defined in 314 CMR 12.02.

Infiltration shall mean water other than wastewater that enters a sewer system (including sewer connections and foundation drains) from the ground through manes which include, but are not limited to, defective pipes, pipe joints, connections, or manholes.

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Inflow shall mean water other than wastewater that enters a sewer system (including sewer connections) from sources that include, but not limited to, sump pumps, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, storm waters, surface runoff, street wash waters or drainage.

Illicit Detection Discharge and Elimination (IDDE) shall mean a direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater except as provided under Chapter XXXX Section 5 B – Exemptions of the Town of Danvers IDDE Bylaws and Clean Water Act.

Interconnection shall mean a physical connection between a sanitary sewer and storm drain which allows the two separated flows to intermix.

Irrigation Meter shall mean a second meter installed on a water service for the purpose of measuring water used for lawn watering and other irrigation purposes to measure the volume of water not discharged into the Town's Wastewater Collection System.

Licensed Drain Layer shall mean a person authorized in writing by the Town of Danvers to install, maintain and repair water mains and water services within the Town of Danvers. A Licensed Drain Layer is also authorized to install, maintain and repair sanitary sewers, storm drains, building sewers and building storm drains.

Massachusetts Water Quality Standards shall mean the Massachusetts Surface Water Quality Standards regulated by 314 CMR 4.00 and Ground Water Discharge Permit Program regulated under 314 CMR 5.00.

Master meter shall mean a water meter used for billing purposes to service a building or group of buildings.

MADEP shall mean Massachusetts Department of Environmental Protection.

Meter shall mean an instrument or device, including any appurtenances thereto, for measuring the flow of water to determine sewer use charges.

National Categorical Pretreatment Standard shall mean the requirements under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a publicly owned treatment works by new or existing sewer users in specific industrial categories which are established as separate Regulations under the appropriate subpart of 40 CFR Chapter I, subchapter N.

National Pollutant Discharge Elimination System (NPDES) Exclusion shall mean a written determination from EPA that a discharge does not require a NPDES permit.

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National Pollutant Discharge Elimination System (NPDES) General Permit shall mean the permit issued by EPA that authorizes a class of discharges such as stormwater associated with industrial activity, non-contact cooling water, construction dewatering, and water treatment backwash.

National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) shall mean the form completed and submitted to EPA by a person seeking to include a discharge under an NPDES General Permit.

National Pollutant Discharge Elimination System (NPDES) Permit shall mean the permit required and issued jointly by EPA and DEP to control point source discharges of pollutants to waters of the United States or separate storm drain systems. It shall also mean the permit issued to the Town and SESD by the EPA and DEP for its combined sewer and stormwater discharges.

National Pretreatment Standard or Pretreatment Standard shall mean the general prohibitions and specific prohibitions of 40 CFR 403.5 (a) and (b), of the National Categorical Pretreatment Standards.

Non-Contact cooling water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product for finished product.

Non-Contact Industrial Process Water shall mean water used in an industrial or manufacturing process, or in the development, recovery, or processing of natural resources that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-Stormwater Discharge shall mean any waters discharged to the Town's wastewater or storm drainage system which are not composed primarily of rainfall or other precipitation that runs off surfaces during or after a storm.

Oil Trap shall mean a receptacle designed to separate petroleum-based oil and grease from water. Also called a separator in the Uniform State Plumbing Code, 248 CMR 10.00.

Outfall shall mean the point of discharge from a storm drain or combined sewer to a water body, wetland or land surface. Also called an outlet.

Owner shall mean a person who alone or jointly or severally with the others has the legal title to any premises or has care, charge or control of any premises as agent, executor, administrator, trustee, lessee or guardian of the estate of the holder of legal title.

Particle Separator shall mean a receptacle designed and installed to separate sand, grit and oil from water.

Permit to Connect to Sewer System shall mean the permit required and issued by the Commission authorizing the entry of a person into the Commission's wastewater or storm drainage systems.

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Person shall mean any agency of the federal government, any agency or political subdivision of the Commonwealth, and state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter. Neutral water, for example, has a pH value of 7 and hydrogen ion concentration of 10^{-7} .

Plumber shall mean a person licensed as a plumber by the Commonwealth of Massachusetts.

Pollutant shall mean any element, constituent, or property of wastewater, or of agricultural, industrial, manufacturing, or commercial process waste, or leachate, heated effluent, or any other substance in whatever form and whether originating from a point or major non point source which is or may be discharged drained or otherwise introduced into to any sewerage system, treatment works or Waters of the Commonwealth which causes the alteration of the chemical, physical, biological, radiological integrity of water through its introduction therein.

POTW shall mean Publicly Owned Treatment Works.

Premises shall mean a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the Town of Danvers to be a single user for purposes of receiving, using and paying for service.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater system. Pretreatment shall include the reduction or alteration of pollutants by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Part 403. Dilution is not pretreatment.

Private Sewer shall mean a sewer which is not owned by the Town of Danvers. Private sewers include, but are not limited to, building drains, building sewers, building storm drains, sewers, drains, catch basins and manholes located on private property and not located within an easement held by the Town and sewers and storm drains owned by municipalities and other public agencies. The connection from a private sewer to the public sewer system is also owned by the owner of the private sewer.

Public record shall mean a "public record" as defined by M.G.L. Chapter 4, Section 7(cl.26).

Public sewer shall mean a sewer which is owned by the Town of Danvers or SESD.

Receiving waters shall mean any watercourse, river, pond, wetland, ditch, lake, aquifer, ocean or other body of surface water or groundwater that receives a discharge of wastewater, stormwater or effluent.

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Recreational spray or sprinkler pool shall mean an indoor or outdoor spray or sprinkler pool which is designed and constructed for the purpose of human contact recreation.

Regulator shall mean a device for regulating the diversion of flow in a combined sewer.

Release Agreement shall mean a form prescribed by the Town that transfers ownership of wastewater facilities to the Town and/or grants to the Town an easement with respect to such facilities. The form shall be duly completed, accepted and signed by the Town of Danvers and filed with the Essex South Registry of Deeds.

Requirements for Site Plans shall mean the document that describes the information that must be included in site plans submitted to the Town. A site plan is required by the Town for review and approval by the Town Engineer (or designee) of a proposed connection or reconstruction, repair or modification of a water service pipe or fire pipe which connects to the Town's wastewater collection system.

Roof drain or roof leader – See Downspout

Sanitary sewage shall mean liquid and water-carried human and domestic wastes from residences, buildings, industrial establishments, or other places exclusive of ground, storm and surface water, industrial wastes, uncontaminated cooling water, and uncontaminated industrial process water.

Sanitary Sewer Overflow (SSO) shall mean any overflow, spill, release, or discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. The discharge of sewage into a building is not considered an SSO provided that the discharge was not the direct result of problems in the public sewer system.

Septage shall mean the wastes of primarily sanitary sewage origin that are removed from a cesspool, septic tank, portable toilet or similar receptacle.

Service Application shall mean the form provided by the Danvers Sewer Division completed by the property owner or by an agent authorized by the owner and submitted to the Town prior to construction, reconstruction, repair, modification of a sewer service pipe from a public sewer main. A completed Service Application includes verification that the premise address listed therein is correct.

Sewer shall mean a pipe or conduit that carries wastewater, storm water or surface water.

Sewer Connection shall mean the sewer pipes and appurtenant works needed to connect a building or estate to a sewer system.

Sewer Extension shall mean the addition to a sewer system of a sewer pipe, together with appurtenant works, which when connected to the sewer system become property thereof, and are operated and maintained by the person owning the sewer system.

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Sewer System shall mean the pipelines or conduits, pumping stations, force mains, and all other structures, devices, appurtenances and facilities used for collecting and conveying waste to a site or works for treatment and disposal.

Sewer System Authority shall mean the public entity or agency of the Commonwealth that owns a sewer system.

Sewer Use Discharge Permit shall mean the permit required and issued jointly by the Town and SESD to a user for the discharge of industrial wastewater to the Town and SESD wastewater system.

Sludge shall mean waste containing varying amounts of solids that is removed from water and wastewater through treatment by physical, chemical or biological processes.

Slug shall mean:

(a) that portion of a discharge which contains a pollutant that is prohibited by these Regulations or contains a concentration of a pollutant at least five times above the concentration limit for that pollutant provided in these Regulations.

(b) a discharge from a large vat, vessel or container into the wastewater system in a manner that

- (i) harms or threatens to harm the wastewater system, workers, or receiving waters;
- (ii) contains a pollutant in excess of the requirements of these Regulations
- (iii) causes a violation of any federal or state permit issued to the Commission; or
- (iv) constitutes a discharge of a pollutant without an appropriate permit.

South Essex Sewerage District (SESD) shall mean the District established by Chapter 339 acts of 1925 as amended for the transmission and treatment of wastewater for the member communities including the Town of Danvers.

Standard Methods shall mean the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association (APHA), American Water Works Association (AWWA) and the Water Environment Federation (WEF).

State Act shall mean the Massachusetts Clean Waters Act; M.G.L. Chapter 21, Sections 26 *et seq.*

Storm drain or storm sewer shall mean a pipe or conduit designed to carry storm water or runoff.

Storm drainage system shall mean pipes, conduits, pumping stations and appurtenances, including tide gates, catch basins, and manholes used in the collection and transport of stormwater.

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Stormwater shall mean any water resulting from rain fall or other precipitation that runs off surfaces during or after a storm.

Stormwater Management shall mean regulatory, structural, administrative, managerial, maintenance, physical and chemical measures or devices that are designed to prevent the discharge of pollutants to storm water. Non-structural measures and low-cost structural devices are often referred to as best management practices or BMPs.

Surface water shall mean all water appearing on the earth's surface exposed to the atmosphere, such as rivers, lakes, streams and oceans.

Suspended solids shall mean solids that either float on the surface or are in suspension in water, wastewater or other liquids and are removable by laboratory filtering procedures as described in Standard Methods.

Termination Verification Approval Application aka Demolition Permit Sheet shall mean the form completed and submitted to the Town by the Owner or by the Owner's Agent prior to demolition of any building having water, sewer or storm drainage connections to the Town's water distribution or sewer collection or storm drainage systems. A copy of the completed form must be submitted to the Office of Code Administration prior to any demolition.

Toxic organics shall mean organics listed as toxic in Federal or Massachusetts Regulations.

Toxic pollutant shall mean any pollutant identified as such in Federal Clean Water Act or Massachusetts Regulations 314 CMR 3.16.

The Town shall mean the Town of Danvers.

The Town Engineer shall mean the Town Engineer of the Town of Danvers.

Trade secret shall mean anything tangible which constitutes, represents, evidences, or records a secret scientific, technical, merchandising, production, manufacturing or management information, design, process, procedure, formula invention, method or improvement.

Treatment system (works) pretreatment system shall mean any and all devices, processes, and real or personal properties, equipment or works used in the collection, pumping, transmission, storage, treatment, disposal, recycling and reclamation or re-use of waterborne pollutants, but not including any works receiving off site hazardous wastes for the purpose of treatment, storage or disposal, or industrial wastewater holding tanks, regulated under 314 CMR 18.00.

Trench Safety Law also known as Jackie's Law shall mean Massachusetts General Law Chapter 82A and Massachusetts Code of Regulations 520 CMR 14.00.

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Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with the discharge standards of these Regulations, or any permit there under, due to factors beyond the reasonable control of the person responsible for the discharge. An upset does not include noncompliance to the extent caused by operational error, an improperly or inadequately designed treatment facility, lack of preventative maintenance, or careless or improper operation.

User shall mean any person discharging wastewater or stormwater directly or indirectly into the Commission's sanitary sewers, combined sewers or storm drains, or MWRA interceptors within the City.

Waste shall mean wastewater and any and all other waste substances whether liquid, solid, gaseous or radioactive associated with human habitation, or of human or animal origin, or from any production, manufacturing or processing operation.

Wastewater shall mean the spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial facilities and institutions, together with any groundwater and stormwater that may be present. Also referred to as sewage.

Wastewater Collection System shall mean the pipelines or conduits, pumping stations, force mains, and all other structures, devices, appurtenances and facilities used for collecting and conveying waste to a site or works for treatment and disposal.

Wastewater treatment process shall mean the physical, chemical and biological operations and processes, considered individually or in combination, that are applied at a wastewater treatment plant to remove, reduce or alter the pollutant loading of wastewater.

Wastewater Treatment Facility or Wastewater Treatment Plant (WWTP or POTW) shall mean any and all devices, processes and properties, real or personal, used in the storage, treatment, disposal, recycling, reclamation or re-use of waterborne pollutants, but not including any sewer system.

Waters of the Commonwealth shall mean all waters in the jurisdiction of the Commonwealth of Massachusetts including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and ground waters.

III GENERAL PROVISIONS

Form of Contract

By signature of the Danvers Water & Sewer Permit Application for service and subsequent approval by the Town of Danvers, the acceptance of service shall bind the Owner to the laws, rules, Regulations and policies of the Commonwealth of Massachusetts, South Essex Sewerage District, the Town of Danvers and the Department of Public Works Sewer Division.

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Application for Sewer Service

No person shall uncover, repair, connect or make any opening into or use, after or disturb in any manor, any part of the Danvers Sewer System without first obtaining a Water & Sewer Connection Permit from the Town of Danvers DPW Director or Authorized Agent.

All applicants for sewer service shall be made at the Engineering Division Office. The Town of Danvers application shall be completed and signed by the Owner of Record of the property or accompanied by written authorization by the Owner assigning authority to act on the Owner's behalf. Application shall also be made to the South Essex Sewerage District for any connection tied directly to an interceptor Sewer owned, operated and maintained by the District.

Such application and subsequent permit to connect shall constitute a contract between the Danvers Sewer Division and the Applicant, his heirs and assigns. Said contract requires the full compliance with these Rules and Regulations and the obligation to pay the Town of Danvers any and all charges, fees and penalties established by the Town.

Application Fees

Prior to the issuance of a permit to connect to the Danvers Sewer System or an SESD Interceptor Sewer, payment of the Sewer Connection Permit Fee shall be made to the Town of Danvers. The Board of Water & Sewer Commissioners shall determine said connection fee and reserves the right to modify the permit fee structure in the best interests of the Town of Danvers.

Owner Responsibility

Access

The Applicant, his successors and assigns by signature of the permit application form guarantees properly identified DPW Director Authorized Agent and/or Danvers Sewer Division employees access to the property including the premises that is supplied with sewer service by the Town of Danvers for the purposes of inspections, ascertain the quantity and quality of the sewer discharged, back water valve installation and compliance, and sump pump discharge location. Failure of refusal to allow access to the property shall result on the termination of service in accordance with current Federal, State, and Local Laws, Rules, and Regulations.

Ownership

The property owner shall own and be responsible for the installation, replacement, repair and maintenance of that portion of the sewer service pipe located between the connection at the Town sewer main up to and including the entry into the permitted building.

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The Town of Danvers shall own, operate, repair and replace the main line sewer and connection point installed on a Town Sewer.

Locations, Plans and Specifications

The Danvers Sewer Division has the exclusive right to determine the location, size, slope, and materials of any and all sewer mains and service laterals, back water valves, any and all other treatment processes necessary for the protection of the municipal sewer system. This shall include, but shall not be limited to, the following: grease traps, grease interceptors and other treatment processes required under the SESD Industrial Pretreatment Program and these Regulations.

Separate Building Sewer

A separate and independent building sewer shall be provided for every building. Said separate building service shall be connected to a public sewer.

Construction

The owner of property desiring construction, alterations or attachments to be connected to the wastewater collection system shall submit plans and specifications for the proposed work to the Town of Danvers Sewer Division Supervisor and Town Engineer for review. The Sewer Division shall determine the terms, charges and conditions under which the proposed use shall be permitted.

The size, slope alignment, materials of construction of a building sewer and the methods of construction to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements and standards of the Danvers Department of Public Works, Danvers Sewer Division, State Building and Plumbing Codes and any and all other rules and regulations of the Town of Danvers. In the absence of code provisions or in amplification thereof the materials and procedure sets forth in appropriate specifications of ASTM and WPCF Manuals of Practice shall apply.

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 a building drain shall be lifted by a pump or other approved means and discharged to the building sewer. The Owner shall hold the town of Danvers harmless from any claim for damage from the backflow of sewage due to power loss, malfunction or stoppage within or due to such building drain.

Where the discharge elevation of sewage from a building - Basement Service - is below the rim elevation of the public sewer manhole closest to the point of the building connection to the public sewer, a back water valve shall be installed at a point prior to the sewer connection exiting the building in accordance with the State Uniform Plumbing Code 248 CMR 10.00 and Danvers Board of Health Regulation adopted January 22, 1970.

Sewer Use Regulations

No person shall make any connection of roof downspouts, exterior foundation drains, area drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Construction Inspections

The applicant or applicant's authorized agent shall notify the Danvers Sewer Division a minimum of three business days prior to commencing work for which plans and specifications have been approved and a permit has been issued. Approval by the Danvers Water & Sewer Supervisor and/or Town Engineer or their designee is required by the Danvers Sewer Division based on the complexity of the installation. No work shall be covered or enclosed until inspected and approved. Danvers Sewer Division reserves the right to take appropriate enforcement action, including the termination of sewer service; provided, however, that such termination shall be limited by all federal and state laws, rules, and regulations.

Conditions Under Which Service is Furnished

The Danvers Sewer Division does not guarantee unlimited discharge capacity or uninterrupted service, nor does it assure the Customer of unregulated discharges.

No Liability for Interruption of Service

No User shall be entitled to damages or to have payment refunded for any interruption of supply, occasioned by accident to any portion of the works, by shutting off for the purpose of additions or repairs to the Danvers Sewer Division.

No Liability for User's Pipes

The Danvers Sewer Division assumes no liability for conditions which exist relative to the user's pipes and appurtenances causing loss or damage to any user or premises with or following the repairs of any gravity sewer, low pressure sewer, pumping station and force mains belonging to the Danvers Sewer Division.

Maintenance of Building Sewers

- a. Building sewers whether located on public or private property are owned by the owner of the premises served. In the case where more than one premise is connected to the same building sewer or building storm drain, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair of the building sewer or building storm drain.

Sewer Use Regulations

- b. The Owner of a building sewer shall at all times keep such sewers clean and in good repair in order not to cause excessive infiltration, exfiltration or inflow, depletion of groundwater, damage to property, odor, or harm to the Town of Danvers or SESD sewers.
- c. The owner shall maintain, repair, modify or replace an existing building sewer or building storm drain whenever it is determined by the Town that such sewers may endanger public health, create a public nuisance, result in public or private property damages, harm the Town and SESD sewers, result in excessive infiltration, exfiltration or inflow or impair water quality or the environment and in such other circumstances as the Town/SESD deems appropriate.
- d. Building sewers shall be maintained, repaired, modified or replaced at the owner's expense.

Special Features

When required by the Town, a user shall design, construct, operate and maintain special facilities which shall provide for the regulation and control of the rate, volume and characteristics of wastewater discharged to the Town and SESD wastewater system or stormwater to the Town's storm drainage systems. The design of such special facilities shall be subject to the approval of the Commission. Such special facilities shall be designed, constructed, operated and maintained at the owner's expense. The Town shall have the right to inspect such special facilities in accordance with these Regulations to ascertain compliance with these Regulations.

IV. USE OF PUBLIC SEWERS

- Section 1** 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 sanitary sewer.
- Section 2** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Town Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town Engineer, to a storm sewer or natural outlet.
- Section 3** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient (such) quantity, either single 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, or create any hazard in the receiving waters of the sewage treatment plant.

Sewer Use Regulations

- c. Any waters or waste having a pH lower than 6.5 or greater than 9.5, or having any other property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- 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 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, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, manure, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 4

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Town Engineer that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or would otherwise endanger life, limb, public property, or constitute a nuisance. Informing his opinion as to the acceptability of these wastes, the Town Engineer shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. These substances prohibited are:

- a. Any liquid or vapor having a temperature higher than (150°F) (65 °C)
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess on 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (65°C)
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of ¾ horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Town Engineer.
- d. Any waters or wastes containing strong acid, pickling wastes, or concentrated plating solutions, whether neutralized or not.
- e. Any waters or wastes containing iron, nickel, chromium, copper, zinc, cadmium, arsenic, boron, manganese, beryllium, lead, mercury, or similar or objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Town Engineer for such materials.
- f. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Town Engineer as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdictions (SESD) for such discharge to the receiving waters.

Sewer Use Regulations

- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Engineer in compliance with applicable State or Federal Regulations.
- h. Any waters or wastes having a pH in excess of 9.5.
- i. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 5 If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which, in the opinion and judgment of the Town Engineer, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town Engineer may:

- a. Reject the wastes;
- b. Require pretreatment of an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Town of Danvers permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town Engineer, South Essex Sewerage District and subject to the requirements of all applicable codes, regulations and laws. All costs associated with the preparation of design plans and review fees shall be borne by the applicant/owner.

Section 6 Grease, oil and sand interceptors shall be provided when, in the opinion of the Town Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients;

Sewer Use Regulations

except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 7 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8 When required by the Town Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 9 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 latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken).

Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town Engineer and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Town Engineer. Such records shall be made available upon request by the Town Engineer to other agencies having jurisdiction over discharges to the receiving waters.

V PROTECTION FROM DAMAGE

Section 1 No authorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances or equipment which is a part of the sewage works (system). Any person violating this provision shall be subject to all penalties imposed by law.

Sewer Use Regulations

VI POWERS AND AUTHORITY OF INSPECTIONS

Section 1 The Director of Public works and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The Director of Public works or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.

Section 2 While performing the necessary work on private properties the Director of Public works or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company.

Section 3 The Director of Public Works and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

VII INSPECTION OF PROPERTY AT TIME OF SALE OR TRANSFER

Section 1 – Purpose

This Article, governing real property connected to the Town’s sanitary sewer system, is intended to be implemented upon transfer of real property, in a manner similar to that provided under 310 CMR 15.000. The purpose of this Article is to ensure that no real property be conveyed with any illegal connection(s) to the Town of Danvers wastewater collection and treatment system. To the extent of the provisions set forth in this Article (“Rules and Regulations”) vary from or are inconsistent with 310 CMR 15.000, those set forth in 310 CMR shall govern.

Section 2 – Definitions

A. “Person” – any individual, firm, association, partnership, corporation or chief executive officer or general manager of any firm, association, partnership or corporation, including heir, executor, administrator and /or successor and assign.

Sewer Use Regulations

- B. “Illegal Connection” – any condition on any real property which permits the introduction into the public wastewater treatment system of any surface water or ground water not otherwise required by law to be treated as wastewater. This definition includes, but is not limited to, downspouts, roof drains, sump pumps, and surface water drains or pipes (“Infiltration/Inflow Conditions”).
- C. “Transfer” – the conveyance of any interest in real property, with or without consideration, whether by deed, lease, assignment or any other form of transition and whether or not the transfer is to a person related by blood or marriage to the transferor, but including neither a mortgage nor a change in the form of ownership among the same owners (such as placing real property within a family trust of which the owners are the beneficiaries).
- D. “Real Property” – any real property on which is situated any building which has been improved with a connection to the public wastewater collection and treatment system operated by the Town (hereinafter “Town”).
- E. “Certificate of Compliance” – a Certificate issued by the Town of Danvers Department of Utilities (hereinafter in this Article referred to as “Department”) stating that such real property has been inspected and found to be in compliance with these Rules and Regulations and with Chapter XV, Section 15 of the General by Laws and the Town.

Sewer Use Regulations

Section 3 – Application Procedure

A. Any person transferring any interest in any real property shall, prior to making such transfer, apply to the Department for a Certificate of Compliance on a form provided by the Town and, upon receipt of a Certificate of Compliance, or of Non-compliance, as applicable, shall submit a copy of same to the buyer or other person acquiring title to such real property.

B. The Department shall cause the real property to be inspected for compliance with these Rules and Regulations and within fourteen (14) calendar days shall issue a Certificate of Compliance, or shall issue a Certificate of Non-compliance which identifies the nature of the Non-compliance and the action required by the applicant to achieve compliance. Failure of the Department to conduct an inspection of the property or to issue a Certificate of Compliance or a Certificate of Non-compliance within said fourteen (14) day period shall be deemed as an approval of the application, provided the Department has been given reasonable opportunity to access the premises within said fourteen (14) day period.

C. Real property shall be inspected for compliance with these Regulations at or within nine (9) months prior to the time of transfer. If weather conditions preclude inspection at the time of transfer, the inspection may be completed as soon as weather permits, but in no event later than six (6) months after the transfer. The seller shall notify the buyer in writing of the requirements of these Regulations. A Certificate of Compliance shall be valid for a period of two (2) years from the date of issuance. A Certificate of Compliance issued for a lot having a community connection to the sanitary sewer system and/or a community drainage system serving its improvements shall be deemed to apply to all real property then in existence on the lot at the time of issuance of Certificate of Compliance for the life of the Certificate.

Section 4, Corrector of Violations

A. If an applicant is notified of a violation and has corrected the non-compliance, he/she shall notify the Department of the correction on a form provided by the Town. Within fourteen (14) days after the receipt of the notice of correction, the Department shall cause the real property to be re-inspected. If the inspection demonstrates that the non-compliance has been corrected, the Department shall issue a Certificate of Compliance within five (5) days after completion of inspection.

B. If a re-inspection demonstrates that the Non-compliance has not been corrected to the Rules and Regulations of the Town, a second notice of Non-compliance shall be issued to the applicant, and the procedure for correction and certification of correction within six months of transfer of such real property.

Section 5 – Prohibitions

A. No person shall cause or permit the introduction of surface water or ground water into the public wastewater treatment system operated by the Town in violation of these Rules and Regulations.

Sewer Use Regulations

B. No person shall use, modify, or alter any “illegal connection” in any way unless with approval by the Department and in accordance with the Rules and Regulations, to achieve compliance with these Rules and Regulations.

C. No person shall fail to take necessary corrective actions, as directed by the Department, arising from an inspection and issuance of a Certificate of Non-compliance.

D. No person shall fail to obtain an inspection in accordance with these Rules and Regulations when and as required.

Section 6 – Inspection Procedures

A. By making an application, the applicant grants to the Town the right of entry onto the applicant’s property for the purpose of making the necessary inspection required under these Rules and Regulations. Entry shall not occur except upon prior notice to the applicant and only during regular business hours or at another reasonable time acceptable to the applicant.

B. The inspection shall consist of one or more of the following procedures, as deemed applicable by the Department:

1. Visual inspection of all exposed piping and drainage systems inside and outside of the building;
2. Smoke testing by a commonly accepted method; and/or
3. Dye testing by any commonly accepted method.

Section 7 – Fees

Each application under this bylaw shall be accompanied by a non-refundable application and inspection fee as set forth in the Town of Danvers Water & Sewer Customer Use Charges established by the Board of Water & Sewer Commissioners. In the event a re-inspection is required, the applicant shall pay an additional fee as set forth in said Water & Sewer Customer Use Charges.

Section 8 – Penalties

Any person who violates any of the provisions of these Rules and Regulations shall be subject to a penalty in a summary proceeding or civil collection proceeding in an amount not exceeding \$300 for each violation. Each day that a violation continues after notice thereof has been provided to the violator shall be considered a separate violation.

Sewer Use Regulations

Section 9 – Severability

The sections and subsections of these Rules and Regulations shall be deemed to be severable. A determination that any section or subsection of these Rules and Regulations is unenforceable shall not affect the enforceability of any other section or subsection.

VIII PAYMENT OF BILLS

A. Billing

Bills for sewer service shall be rendered quarterly for residential customers and monthly for business customers and shall be payable upon receipt by the customer.

B. Rate Schedule and Charges

All charges shall be billed in accordance with the schedule of rates and charges as adopted by the Board of Water and Sewer Commissioners.

C. Payment

All bills due to the Division for water and services are payable at the Town of Danvers Business Division Office, 2 Burroughs Street, Online, or at Danvers Town Hall office of the Treasurer/Collector. Checks and money orders shall be made payable to the Town of Danvers, Water Division.

D. Inoperative or Unread Meters

When a meter fails register the consumption or it is not read by the Water Division, a quantity sewer use charge shall be estimated based on previous consumption patterns, and said charge shall be so billed.

E. Irrigation Systems Sewer Use Charges not Billed

Water passing through an irrigation meter for irrigation purposes shall be subtracted from the main water meter serving the building.

F. Discontinuance of Service

No allowance shall be made for the non-use of sewer service, unless official notice is given and the water service is shut off by the Division. A service charge shall be billed for shutting off an individual water service.

Sewer Use Regulations

G. Unpaid Bills

Unpaid sewer use bills shall become property tax liens per Massachusetts General Laws, Chapter 40, Section 42A, as amended.

H. Liability for Charges

All bills shall be rendered to the recorded owner or to his authorized agent if the written notice of the appointment of said agent is on file with the Division. Owners of property shall be held liable for the charges to tenants.

I. Transfer of Accounts and Real Estate Transfers / Final Reading

In the event of transfer of ownership of the premises, the seller shall notify the Division of such transfer, otherwise, the seller shall remain liable for charges incurred by the premises until notice is received. The quarterly or monthly bill covering the period in which such notice is received shall be issued to the seller only on water used prior to said notice. The new owner shall notify the Water & Sewer Division to establish the new property owner for billing and lien purposes. Time of Sale property inspections shall be conducted in accordance with Section VII above.

J. Bills Not Received

Failure of an owner to receive a bill does not relieve him/her from the obligation of its payments, or from the consequences of nonpayment (interest charges and/or termination of service fees).

K. Opt Out AMI Customers

Current Water Customers who choose not to have the installation of the AMI Water Meter Module for meter reading and billing purposes for water or sewer shall be required to pay an additional service fee quarterly for the cost of manually reading the water meter for sewer billing purposes. Said Fee shall be established by the Board of Water & Sewer Commissioners and reviewed annually to insure the expenses and overhead costs are fully covered by said fee.

L. Request for Abatement

A Customer may request an abatement of Sewer Use Charges when the Customer believes the sewer bill for the prior billing cycle is excessive. Said request for Abatement shall be in writing detailing the reason for the Abatement request and shall file the

Sewer Use Regulations

request with the Town of Danvers Business Manager, 2 Burroughs Street, Danvers MA 01923. In the event that the request is denied, the Customer may request a hearing before the Board of Water & Sewer Commissioners. In appearing before the Board, the customer must present documentation that will support the Abatement Request. The Board will render a decision on the matter. The decision of the Board is final.

M. Sewer Disconnection Policy – Non Payment of Bill or Violation

The Town reserves the right to terminate service for nonpayment of Sewer Use Charges and violations of these regulations; provided, however, that such disconnection is subject to any and all limitations set forth in federal and state laws, rules, and/or regulations.

For Non Payment the following procedure shall be used for nonpayment:

1. Day 1 – Bill issued by Business Division
2. Day 30 – Payment Due Date
3. Day 40 – First Reminder Sent
4. Day 60 – Registered Mail Notice of Second Reminder and shut off date notification
5. Day 89 – 24 Hour Shut off Notice Hand Delivered to Customer
6. Day 90 – Service Shut Off

Service will be restored upon receipt of all amounts due to the Town of Danvers Sewer Division including all applicable shut off and turn on fees, interest accrued, and any fines assessed due to any violation of these regulations.

Sewer Use Regulations

IX VIOLATIONS, PENALTIES, SEVERABILITY

A. Written Notice

Any person found to be in violation of any provision of these Regulations shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Within the time period of such notice, the offender shall permanently cease all violations.

B. Violation

Any person who shall continue any violation beyond the time limit provided in Section 1, shall be fined an amount not exceeding three hundred dollars (\$300.00) for each day of violation, or such penalty as prescribed by law.

C. Non-Criminal Disposition

In the alternative, these Regulations may be enforced pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D and the General Bylaws of the Town of Danvers, Non-Criminal Disposition of Certain Violations.

D. Penalties

For purposes of determining the computation of penalties, each day of a continuing violation of these Regulations shall be deemed as a separate violation. If a violation is intermittent, each occurrence shall be deemed as a separate violation

E. Severability

These Regulations are severable; the invalidity of any section, clause, sentence or part thereof shall not affect the validity of any other part of these Regulations which can be given effect without such invalid part or parts thereof.

X EFFECTIVE DATE

In accordance with Section XXXIV of the Town's Bylaws, the Board of Selectmen on February 3, 2015 has authorized the Town Manager to adopt these regulations

These regulations are hereby effective on May 18, 2015

_____, Town Manager

Steve Bartha

Sewer Use Regulations

ATTACHMENTS

ATTACHMENT A: WATER AND SEWER RATES AND FEES

ATTACHMENT B: REGULATION OF SEWER USE BYLAW – November 20, 1972

ATTACHMENT C: DANVERS SEWER ACT CHAPTER 299 ACTS OF 1916 AS AMENDED

ATTACHMENT D: SESD – SEWER USE REGULATIONS

ATTACHMENT E: 520 CMR 14.00 - EXCAVATION AND TRENCH SAFETY

ATTACHMENT F: 310 CMR 7.00 AND 12.00 SEWER REGULATIONS

ATTACHMENT G: M.G.L. CH. 82 s. 40 DIG SAFE STATUTE
220 CMR 99.00 – DIG SAFE REGULATIONS

ATTACHMENT H: DANVERS WATER & SEWER APPLICATION FORM

ATTACHMENT I: DANVERS TRENCH SAFETY PERMIT APPLICATION

ATTACHMENT J: CONSTRUCTION STANDARDS / SPECIFICATIONS

ATTACHMENT K: CONSTRUCTION DETAILS