



Town of Framingham
Department of Public Works
Wastewater Regulations

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SECTION 1 **GENERAL PROVISIONS**

These Wastewater Regulations shall apply to the Town of Framingham and to persons outside Framingham who are users of Framingham's sewer services. These Wastewater Regulations provide for use of the public wastewater systems, measurement of wastewater usage, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, control of cross-connections, emergency restrictions, issuance of approvals, specifications and practices for infrastructure construction, and penalties and other procedures in cases of violation of these Wastewater Regulations.

Except as otherwise provided herein, the Board of Selectmen through the Town Manager, the Director, and/or designees, shall administer, implement, and enforce the provisions of these Wastewater Regulations.

1.1 Reference to Regulations

These regulations may also be referred to as the Town of Framingham's Wastewater Use Regulations.

1.2 Authority

A set of Wastewater Regulations established to regulate and the use of public and private sewers; the installation and connection of building sewers; and the discharge of wastewater into the public wastewater facilities and providing penalties for violations thereof:

WHEREAS: the federal government has enacted and amended the Federal Water Pollution Control Act now known as the Federal Clean Water Act (33 U.S.C. 1150 *et seq.*) and the Town of Framingham desires to remain in compliance therewith, and

WHEREAS: the Town of Framingham desires to ensure that the use of the public wastewater system operated by it will conform to the best sanitary engineering practices.

Pursuant to M.G.L. c. 83 §10 to be enforced in Superior Court under c. 83 § 13, these Wastewater Regulations hereby establish the policies and procedures to be used by the Town to regulate and permit the use of public and private sewers, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof, in the Town of Framingham, County of Middlesex, Commonwealth of Massachusetts.

These Wastewater Regulations shall be deemed to be consistent with all applicable state regulations.

1.3 Purpose

The purpose of these Wastewater Regulations is: to protect public health and to provide for the maximum possible beneficial public use of Framingham's wastewater facilities through regulation of construction, control of water and sewer use, and wastewater discharges; to provide for equitable distribution of the costs to operate, maintain and improve Framingham's wastewater facilities; and to provide procedures for complying with the requirements contained herein.

1.4 Severability

The provisions of these Wastewater Regulations are severable. If any provision of these Wastewater Regulations or any specific application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect in the absence of the invalid provision or application.

1.5 Applicable Regulations

Every user of Framingham's wastewater system shall be subject to Framingham regulations, as they apply,



and to any charges, rates, fees, and assessments which are or may be established by the Town of Framingham. Every user of Framingham's wastewater system shall also be subject to applicable Federal, State, MWRA, and local regulations. In instances where various regulations contain different requirements, the most stringent requirements shall be met.

1.6 Right to Amend Regulations

The Town reserves the right to amend these Wastewater Regulations in any manner and to establish more stringent limitations or requirements as is deemed necessary or appropriate.

1.7 MWRA and DEP Regulations

No provision of these Wastewater Regulations shall be deemed to contravene or render ineffective any valid Massachusetts Water Resources Authority (MWRA) or Department of Environmental Protection (DEP) regulation pursuant to M.G.L. c. 111 §§ 159 through 174.

1.8 Applications and Approvals

These Wastewater Regulations and other activities related to the implementation of these regulations require the submission of applications, certifications, and other information. Applications are available through the Framingham Department of Public Works (DPW) and all requirements shall be completed to the satisfaction of the DPW prior to the commencement of the activity. DPW approvals and applications are in addition to applications and permits that may be required by other Federal, State, MWRA, and local laws or regulations.

- (a) A person shall not discharge or operate without having the appropriate valid approval for the discharge.
- (b) The DPW may refuse to approve any discharge which it believes can reasonably be expected to result in significant harm to health, safety, the environment, the DPW's wastewater system, a tributary to the DPW's wastewater system, or may pass through, interfere with, or otherwise be incompatible with the wastewater treatment process or sludge disposal.
- (c) The DPW shall enforce, pursuant to Section 8 of these Wastewater Regulations and other applicable local, state, and federal laws, the terms and conditions of an approval issued under these Wastewater Regulations.
- (d) The DPW may modify an approval as deemed necessary or appropriate or as required by state or federal law.
- (e) An applicant may request reconsideration of the terms and conditions in an issuance, renewal, or modification of an approval issued by the DPW, and an applicant may request reconsideration of the denial of a permit by the DPW, pursuant to Section 8, Part E of these Wastewater Regulations. With regards to Sewer Use Discharge Permits, which are issued jointly by the DPW and the MWRA, requests for reconsideration shall be subject to the requirements and procedures as set forth in the MWRA's Enforcement and Administrative Penalties Regulations, 360 CMR 2.00.
- (f) An approval shall not be assigned or transferred without prior written consent of the DPW. After consent of an assignment or transfer of an approval, the applicant shall provide a copy of the approval documentation to the assignee or transferee.
- (g) These Wastewater Regulations shall not be construed to require the DPW to permit itself or those in its employ for activities done to carry out the DPW's responsibilities under any federal or state laws, regulations, or requirements.



- (h) All construction activities shall be subject of a plan review by the DPW. Upon completion of the construction, as-built plans, sketches, drawings, and other information shall be submitted to the DPW.

1.9 Schedule of Rates

All fees and charges payable under the provisions of these Wastewater Regulations shall be computed in accordance with the schedule of rates on file with the department. Such fees and charges shall be established by the Board of Selectmen as the Water and Sewer Commissioners and made payable to the Town of Framingham.



SECTION 2 **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 known as the Water Environment Federation (WEF)), Washington, D.C. Throughout these Wastewater Regulations, shall is mandatory, and may is permissive. Unless the content specifically indicates otherwise, the meaning of the terms used in these Wastewater Regulations shall be as follows:

Applicant shall mean any person requesting approval to discharge wastewater into the Town's wastewater facilities or a new connection to the Town's wastewater facilities.

As-Builts shall mean a set of drawings prepared upon completion of a project or a construction contract that reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed for the project or construction contract.

Authority shall mean the Massachusetts Water Resources Authority.

Available Capacity shall mean the portion of a sewer's capacity that is remaining when the existing peak hourly flowrate that can be conveyed by the sewer is subtracted from the capacity of the sewer as indicated below:

$$\text{Available Capacity} = \text{Capacity} - \text{Existing Peak Hourly Flowrate}$$

Bill shall mean a written statement issued by the DPW to a customer, which includes the actual or estimated amount of sanitary sewage conveyed through the Town's wastewater system, all charges due for sanitary sewer service during such period, and additional information as may be required under these Wastewater Regulations

Building shall mean any structure used for human occupancy, employment, recreation, or other use classification or purpose as defined by 780 CMR 302.0.

Building sewer, also referred to as a house connection, service or lateral, shall mean the pipe which connects to a building drain conveying wastewater from plumbing fixtures within a building to a public sewer, a private sewer, an MWRA sewer (where allowed by MWRA), or other place of disposal. The building sewer begins 10 feet outside the inner face of the building foundation wall and extends to and includes the connection to the Town sewer, MWRA sewer or private sewer.

Bypass shall mean an intentional or negligent diversion of a waste stream, by direct or indirect means, to the Town'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.

Capacity shall mean the peak hourly flowrate that can be conveyed by a sewer under full flow gravity conditions as determined by standard hydraulic equations and calculations.

Charges shall mean all fees, rates, assessments and other charges for water or other services which are furnished or supplied by the DPW and which are authorized under these Wastewater Regulations to charge and collect.

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

Common Sewer shall mean a sewer that serves two or more dwelling units, buildings, or structures and connects to either a public or a private sewer.



Condominium shall mean an independently owned unit of a residential or commercial building with at least two units separately owned.

Contact Cooling Water shall mean water used in a process for cooling purposes that has come in direct contact with any raw material, intermediate product, waste product, or finished product.

Contaminant shall mean any physical, chemical, biological, or radiological substance or matter in water.

Control shall mean own, access, construct, install, repair, test, operate, and/or maintain.

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

Cross-connection shall mean any actual or potential connection between a distribution pipe of potable water supplied by the public water system and any waste pipe, soil pipe, sewer, drain or any other unapproved source. Without limiting the generality of the foregoing, the term "cross-connection" shall also include any bypass arrangement, jumper connection, removal section, swivel or changeover connection and any other temporary or permanent connection through which backflow can or may occur.

Customer shall mean the person listed on the records of the DPW as the party responsible for payment of bills for charges for sewer and/or water service to a building, whether or not the customer occupies the premises.

DEP shall mean the Massachusetts Department of Environmental Protection.

Director shall mean the Executive Director of the Department of Public Works of the Town of Framingham. The Director may appoint an authorized representative to act on the Director's behalf.

Discharge shall mean flow from a conduit, sewer, drain, outfall, pump, pipe, 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 Limitation shall be any requirement, restriction or standard imposed by the Board of Selectmen, MWRA, DEP or Environmental Protection Agency (EPA) on quantities, discharge rates, and concentrations of pollutants, which are discharged to the public wastewater system.

Domestic Wastewater shall mean the wastewater derived principally from dwellings, business buildings, institutions and the like. It may or may not contain groundwater, surface water, storm water, or wash water from industrial enterprises.

DPW shall mean the Framingham Department of Public Works.

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

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 wastewater or other liquid, irrespective of treatment, flowing out of a treatment facility or part thereof.

EPA shall mean the Environmental Protection Agency.

Fee shall mean a charge established by the Town on a fixed or sliding scale basis which an applicant, owner, customer, or user is obligated to remit to the Town in accordance with the cost structure and payment schedule established by the Town for a granted service, condition, letter, document, or permit.

Flowrate shall mean the continuous movement of liquid in a pipe or conduit as measured in units of volume per a specific time period.

Grease Trap shall mean an exterior or interior 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 called a grease interceptor in the Uniform State Plumbing Code, 248 CMR 2.00.

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

- (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;
- (d) Has any of the hazardous waste characteristics identified by DEP in 310 CMR 30.000, as amended from time to time; and,
- (e) A waste that would be a hazardous waste pursuant to the EPA or DEP criteria but for the fact that it is discharged to the sanitary sewerage 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 360 CMR 10.000 and in compliance with the MWRA's discharge limits.

Illegal Connection shall mean a direct connection of a source of infiltration or inflow to the sanitary sewer system. Examples of such sources include roof downspouts, sump pumps, foundation drains, area drains, etc.

Industrial Waste shall mean any solid, liquid or gaseous waste or wastewater, 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.

Infiltration shall mean groundwater that enters or leaks into a sanitary sewer through such means as a foundation drain, cracked, broken or defective pipe, pipe joint, connection or manhole wall.

Inflow shall mean precipitation or surface runoff that enters a sanitary sewer through such means as downspouts and roof leaders, floor drains, yard drains and area drains, sump pumps, catch basins, interconnections between storm drains and sanitary sewers, and defective manhole covers and frames.

Intermunicipal Agreement shall mean a cooperative or contractual arrangement between two or more municipalities made pursuant to M.G.L. c. 40 §4A.

Licensed Drain Layer shall mean a person authorized in writing by the DPW to install, maintain and repair sanitary sewers and building sewers on public or private property within the Town of Framingham.

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

Meter shall mean an instrument or device, including any appurtenances thereto for measuring and recording the flow of water and/or sewer usage at a location, installed by, or at the request of the DPW, and used for billing by the DPW.

Multi-family Dwelling shall mean a dwelling containing more than two dwelling units.

MWRA shall mean the Massachusetts Water Resources Authority.

MWRA Interceptor shall mean a sewer owned and maintained by the MWRA.



MWRA General Permit shall mean the Permit required and issued by the MWRA that authorizes certain facilities with low industrial flows and no or low levels of regulated pollutants in their industrial wastewater to discharge industrial wastewater to the MWRA's wastewater system.

MWRA Group Permit shall mean the Permit required and issued by the MWRA that is applicable to a specific type or types of industrial and commercial processes or discharges.

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.

Natural Outlet shall mean any land surface or subsurface, wetland, watercourse, waterbody, or groundwater.

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

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 2.00.

Owner shall mean a person who alone or jointly or severally with 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.

Peak Hourly Flowrate shall mean the largest volume of flow to be received during a one-hour period and expressed as a volume per unit time as noted in *Technical Report #16, Guides for the Design of Wastewater Treatment Works, 1998 Edition* as prepared by the New England Interstate Water Pollution Control Commission. The peak hourly flowrate shall be determined using standard hydraulic equations and calculations.

Permit shall mean an authorization issued pursuant to any applicable Federal, State, or Town regulations with conditions that require conformance by the applicant, owner, customer, or user.

Person shall mean any agency of the federal government, any agency or political subdivision of the Commonwealth, any 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.

Pollutant shall mean any element, constituent, or property of wastewater, or of agricultural, industrial, manufacturing, or commercial process waste, or leachate, or any other substance which causes the alteration of the chemical, physical, biological, or radiological integrity of water through its introduction therein.

Premises/Property shall mean a parcel of real estate or portion thereof, including any improvement thereon, which is determined by the Town to be either a single user or a multiple 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 the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the 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, by determination of a governmental board, body, reviewing agency, or department of the Town of Framingham and/or by the MWRA, is not accepted and/or owned by the Town or the MWRA. Private sewers include, but are not limited to, building sewers, sewers, pumping systems, and manholes located on private property. It also includes building sewers, pumping systems, and manholes that are located within the Town right of way that serve an individual user or group of users and are constructed for the sole benefit of those users. The connection from a private sewer to the public sewer system is also owned by the owner of the private sewer.

Publicly Owned Treatment Works (POTW) shall mean any pipes, manholes, pump stations, treatment facilities, and other appurtenances used for the conveyance, treatment, or disposal and owned by the public. This shall include Public sewers and MWRA-owned facilities. This shall not include building sewers or private sewer systems.

Public Sewer shall mean a sewer which, by determination of a governmental board, body, reviewing agency, or department of the Town of Framingham and/or by the MWRA, is accepted and owned by the Town or the MWRA. Public sewers include sewer piping, manholes, pump stations and appurtenances installed in an accepted street or through an easement, which all owners of abutting properties have equal rights, and is controlled by public authority.

Sanitary Sewer shall mean a sewer which conveys sanitary wastewater and industrial wastes, which and to which storm water, surface water, or groundwater are not intentionally admitted.

Sanitary Wastewater shall mean liquid and water-carried human and domestic wastes from buildings, exclusive of ground, storm and surface water, industrial wastes, uncontaminated cooling water, and wastewater discharged from the sanitary conveniences of dwellings, commercial, retail, office buildings, industrial facilities, or institutions.

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

Sewer shall mean a pipe or conduit that carries wastewater or waterborne wastes from residences, businesses, and industries to a wastewater treatment facility.

Sewerage shall mean a system of sewers.

Sewer Connection shall mean a sewer pipeline and appurtenant works running laterally from a street sewer, an off-street sewer, or a trunk sewer to an individual tract, lot, or parcel of land to serve one or more houses or other buildings, whether or not connected to any house or building.

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 becomes the property of, and is operated and maintained by, the person owning the sewer system.

Sewer Use Discharge Permit shall mean the permit required and issued jointly by the Town and the MWRA to a user for the discharge of wastewater to the Town's or the MWRA's wastewater system.

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

Slug shall mean: (1) That portion of a discharge which contains a pollutant that is prohibited by these Wastewater Regulations or contains a concentration of a pollutant at least five times above the concentration limit for that pollutant provided in these Wastewater Regulations; or (2) A discharge from a large vat, vessel, or container into the wastewater system in a manner that:

- (a) Harms or threatens to harm the wastewater system, workers, or receiving waters;
- (b) Contains a pollutant in excess of the requirements of these Wastewater Regulations;
- (c) Causes a violation of any federal or state permit issued to the Town; or,
- (d) Constitutes a discharge of a pollutant without an appropriate permit.



Special Facilities shall mean conduits or structures that provide for flow regulation and control, storage, and/or treatment of wastewater.

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).

Sump Pump shall mean a pump and its associated piping used to remove and discharge water that has accumulated in a water collecting sump pit, commonly found in the basement or lower level of homes and buildings.

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.

Town shall mean the Town of Framingham, Massachusetts.

Treatment System or Pretreatment System shall mean any and all devices, equipment, or works used in the pumping, storing, treating, recycling, and reclaiming of sewage or industrial waste.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with the discharge standards of these Wastewater Regulations, or any permit thereunder, 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 preventive maintenance, or careless or improper operation.

User shall mean any person discharging wastewater directly or indirectly into public or private sewers or MWRA interceptors within the Town.

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. Wastewater is also referred to as sewage.

Wastewater Facilities shall mean structures and conduits for the collection, treatment, neutralization, stabilization, or disposal of domestic and/or industrial wastewater as are disposed of by means of structures including treatment and disposal works necessary intercepting, outfall, and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

Wastewater System shall mean totality of the devices, equipment or works used in transportation, pumping, storage, treatment, recycling, or reclamation of wastewater or in the disposal of the effluent.

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.



SECTION 3

USE OF SEWERS

3.1 Public Sewers

The use of all public sewers in the Town, except interceptors of the MWRA's wastewater system, shall be controlled by the Town. No person shall, without prior authorization from the Town, uncover, excavate over, block access to, make any connection with or opening into, alter, or disturb the Town's wastewater system. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the Town's wastewater system.

3.2 Private Sewers

All private sewers that connect and discharge wastewater to the Town's sewerage system shall be subject to these Wastewater Regulations, but constructed, installed, maintained, repaired, and operated by their owners, at the owner's expense. Discharges from private sewers that connect to the Town's sewerage system are also subject to MWRA regulations.

Repairs to private sewers in the Town, including repairs required to comply with these Wastewater Regulations, shall be made by a licensed drain layer and may require permits and approvals as applicable by the Town.

3.3 Approval to Enter Town Sewers

No person shall enter or install equipment into the Town's sewerage system without first obtaining approval from the DPW.

3.4 Wastewater Connections

In unsewered areas of the Town, where a public sanitary sewer is not available for sewer connections, the building sewer shall be connected to a private sewerage disposal system complying with the requirements of the Board of Health of the Town of Framingham and the regulations contained in Commonwealth of Massachusetts 310 CMR 15.00 (latest revisions).

Connection to the Town's wastewater system shall be subject to the availability of capacity in the system as determined by the Town through the Director. Determination of available capacity shall be made by the DPW by the use of standard engineering calculations, evaluation of flow meter data, and projected future system flows as determined in the Town's Comprehensive Wastewater Management Plan. The Director may not issue an approval for any connection to Framingham's wastewater facilities unless there is available capacity not legally committed to other users of the wastewater facilities to convey and adequately treat the quantity of wastewater that the requested connection will add to the system. Connections shall be made in compliance with all applicable Town, MWRA, and DEP rules, regulations and specifications and at the owner's expense.

Notwithstanding sewer connections associated with existing or future Intermunicipal Agreements, any out-of-Town extension of the public sewer or connection to the public sewer shall be subject to the availability of capacity in the sewer system as determined by the Director, and shall not be authorized without approval by the DPW and the Board of Selectmen. As applicable, the applicant shall provide documentation providing proof of recorded easements with the application.

3.5 Special Facilities

When required by the Town, a user/owner shall design, construct, install, operate and maintain special facilities which will provide for the regulation and control of the rate, volume and characteristics of



wastewater discharged to the Town's and MWRA's wastewater facilities. The design of such special facilities shall be subject to the approval of the Town. Such special facilities shall be designed, constructed, operated and maintained at the user/owner's expense. Prior to startup of the Special Facilities, the user/owner shall prepare and submit an operation and maintenance plan, including as-built plans of the Special Facilities, prepared and stamped by a Registered Professional Engineer to the DPW. The user/owner shall submit an annual report to the DPW that provides information, data, testing reports, or other information necessary to document that the Special Facilities are performing as designed and are being operated and maintained in conformance with the operation and maintenance plan.

3.6 Ownership and Maintenance of Building Sewers

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 premises is connected to the same building sewer, depending on the form of ownership, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair of the building sewer.

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's sewers. The owner shall maintain, repair, modify or replace an existing building sewer whenever it is determined by the Town that such sewers may endanger public health, create a public nuisance, result in public or private property damage, harm the Town's sewers, or impair water quality or the environment, and in such other circumstances as the Town deems appropriate. Building sewers shall be maintained, repaired, modified or replaced at the owner's expense.

The DPW, working in conjunction with the Board of Health, for specific purpose, may repair, modify, or replace portions of privately owned building sewers, where it is in the public interest to do so. These specific purposes may include:

- (a) The replacement and/or rehabilitation of public sewerage system.
- (b) The mitigation of damage to the public sewerage system that may occur due to the failure of an Owner to repair or maintain a Building sewer.
- (c) Any DPW project involved in the repair, replacement, or maintenance of the public infrastructure system.
- (d) Those where public safety or public health is concerned.
- (e) As part of any project to improve the function and operability of the wastewater system.

The instances listed above, or other specific purposes not specified, shall not be construed to mandate the DPW to perform work on building sewers. The repairs, modifications, and /or replacements shall be performed at the owner's expense and billed to the owner and shall not set precedent or equate with public control.



SECTION 4 **BUILDING SEWERS, CONNECTIONS, AND APPURTENANCES**

4.1 Separate Connections Required

A separate and independent building sewer shall be provided by the owner or applicant for every building to be connected to the sewer system. Where more than one building exists, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer, if approved by the DPW.

4.1.1 Services to Multi-family Dwellings and Condominiums

Each unit of a multi-family dwelling or condominium whose individual units share common sidewalls but are singularly owned throughout the material extents from foundation to roof shall be provided with a separate sewer service. Units of multi-family dwellings or condominiums that are singularly owned but share a common foundation/footprint may share a common sewer service.

4.2 Existing Building Sewers

Existing building sewers may be used to accommodate new uses which result in changes in volumes or characteristics of wastewater, if the DPW approves and subject to availability of capacity. The costs of any examination and testing required by the DPW as a precondition to such approval shall be at the owner's expense.

4.3 Gravity Discharge to Sewer

All building sewers shall discharge by gravity to the public sewer. In all new or substantially rehabilitated buildings in which the building sewer is too low to permit gravity discharge, wastewater shall be lifted by an approved means and allowed to discharge by gravity (i.e., not under pressure) to the public sewer.

4.4 Connections to Manholes

Building sewer connections for new or substantially rehabilitated buildings shall not be made directly to public sewer manholes unless expressly authorized by the DPW.

4.5 Connections from Individual Wastewater Disposal Systems

Connection of an individual wastewater disposal system, whether directly or indirectly, to a DPW sewer is prohibited. Individual wastewater disposal systems include privately owned septic tank, cesspool, or similar self-contained receptacle or facility which collects, treats, or otherwise disposes of wastewater.

4.6 Basement Fixtures and Backwater Valves

All existing or new building sewers from plumbing fixtures liable to backflow from the public sewer are installed at the building owner's risk. The Town will not assume any responsibility for back-ups or flooding of fixtures or basements as a result of the installation of these fixtures. Any plumbing fixture located at an elevation lower than the top of the public sewer manhole immediately downstream of the private sewer connection serving the fixture shall be considered to be liable to backflow.

Plumbing fixtures subject to backflow from the public sewer shall have backwater valves installed at the owner's expense. A backwater valve is a device installed in a building drain or building sewer to prevent the discharge from the building, or flows originating outside the building, from flowing back into the building. Backwater valves shall be installed in accordance with the Uniform State Plumbing Code, 248 CMR, Section 2.09: (4) and DPW requirements. The backwater valve shall be installed and maintained at the owner's expense.



4.7 Oil Traps for Garages

Oil traps shall be required on sewers directly or indirectly tributary to the public wastewater system from existing or new commercial or industrial garages, service stations, enclosed parking areas, and other establishments capable of discharging petroleum-based oil or grease, flammable wastes, sand, or other harmful substances. Discharges from oil traps shall be directed to a sewer.

All oil traps shall be of a type, capacity, location, and construction as approved by the MWRA and submitted to the DPW for approval prior to installation. They shall be located so as to be readily accessible for maintenance and inspection. Oil traps shall conform to the regulations of the Uniform State Plumbing Code, 248 CMR 10.00, and all other applicable laws. Owner or user shall schedule an inspection of the oil traps as installed with the Town Plumbing Inspector at the time of installation.

Oil traps shall be installed and maintained continuously in satisfactory and effective operation by and at the expense of the owner or user. Both the owner of the premises where an oil trap is required and the owner or operator of the establishment or business conducted on the premises shall be jointly and severally responsible for installing an oil trap and for properly servicing and maintaining the oil trap.

The owner or operator of the establishment or business conducted on the premises where the oil trap is located shall maintain a log describing the date and type of all service and maintenance performed in connection with the oil trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the oil trap on each date, and the method of disposal of the residue. The log entries shall be maintained for six years and shall be made available for inspection and copying by the DPW and the MWRA. The schedule for service and maintenance of an oil trap shall be subject to approval by the DPW and the MWRA.

4.8 Grease Traps

Interior and/or exterior grease traps shall be required on sewers which discharge directly or indirectly to the public sewer system and into which significant amounts of animal or vegetable fat, oil or grease may be discharged so that a discharge concentration does not exceed 100 milligrams per liter.

The DPW will determine whether a grease trap is required. All grease traps shall be of a type, capacity, location, and construction approved by the DPW and shall be located so as to be readily accessible for maintenance and inspection. Water cooled grease traps are prohibited.

Installation of a dedicated building sewer and an in-line grease trap shall be required to serve all fixtures from which fat, oil or grease may be discharged whenever there is sufficient space and adequate plumbing to incorporate the appropriate facilities as determined by the DPW. Point of use grease traps may be required instead of or in addition to, an in-line grease trap for discharges from dish washer rinse sinks, pot sinks, floor sinks and drains, automatic hood washes, and any other fixture which may introduce fat, oil or grease to the sewer.

Where grease traps are required, they shall be installed, inspected at least once each month, and maintained continuously in satisfactory and effective operation and in accordance with the requirements of the Uniform State Plumbing Code 248 CMR 10.00 by and at the expense of the owner and user. Both the owner of the premises where a grease trap is required and the owner or operator of the establishment or business conducted on the premises, shall be jointly and severally responsible for installing a grease trap acceptable to the DPW and for properly servicing and maintaining the grease trap.

The owner or operator of the establishment or business conducted on the premises where the grease trap is located shall maintain a cleaning and disposal log which describes the date and type of all inspections



and cleaning of the grease trap, service and maintenance performed in connection with the grease trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the grease trap on each date, and the method of disposal of the residue. The logs shall be submitted quarterly to the DPW Wastewater Division at 100 Western Avenue. The owner/applicant may be subject to fines due to failure to submit cleaning and disposal logs. The DPW can provide a copy of a standard cleaning and disposal log if requested by the owner/applicant.

Unless otherwise required by a schedule established by the DPW, owners or operators shall clean grease traps in accordance with all applicable local, state, and federal laws, not less than once every three months, or whenever one quarter of the liquid depth of the trap consists of grease or oil, whichever occurs first. Grease traps shall be cleaned by physically removing accumulated grease, scum, oil or other floating substances and solids. Chemical, biological, or physical means (including flushing with water) shall not be used to release fats, wax, oil or grease into the sewer, bypass the trap, or otherwise make the trap operate less effectively.



SECTION 5 **REQUIREMENTS FOR DESIGN AND CONSTRUCTION OF FACILITIES**

5.1 Design and Construction Standards

New building sewers, other private sewers, grease traps, oil traps, appurtenances, and other wastewater facilities tributary to the public wastewater system shall be designed and constructed in conformance with current DPW standards and specifications. In the absence of such specifications or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials, the WEF Manual of Practice No. 9, Design and Construction of Urban Stormwater Management Systems and Gravity Sanitary Sewer Design and Construction, New England Interstate Water Pollution Control Commission Guides for the Design of Wastewater Treatment Works, Title V of the State Environmental Code, and the Uniform State Plumbing Code, 248 CMR 2.00 shall apply.

5.2 Construction in Easements

Excavation in, or construction of any wastewater facilities in a Town right-of-way or easement is prohibited without authorization from the DPW.

5.3 Application Required for New Building Sewer or Change in Use

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public or private sewer or appurtenance thereof without first obtaining a written approval from the DPW. Any person proposing a new sewer connection or any person proposing a substantial change in the quantity or use of an existing sewer connection shall file a written application for the connection or change with the DPW prior to making the proposed change or connection.

An approval shall be valid only for the use and quantity of flow described in the application. Any change in use of the building or any increase in the quantity of wastewater discharged from the building or any change in the character of the wastewater discharge from the building shall be considered a change of use. The owner or the owner's agent shall make application for a new approval for any change of use and shall pay the appropriate fee.

The owner shall complete and submit the required applications prior to the construction of a new building sewer or new private sewer, or the reconstruction, repair, or modification of an existing building sewer or existing private sewer which connects to a public sewer or to an MWRA interceptor. The DPW may set conditions governing the construction including but not limited to: the hours of work; location of the work; and means and methods of construction within the public right of way.

The DPW will approve a sewer connection/extension to Framingham's wastewater facilities after review of the application for the sewer connection/extension and the determination by the DPW that there is available capacity for the proposed flow from the sewer connection/extension and that it shall not exacerbate any existing operation and maintenance deficiencies. Deficiencies may include, but are not limited to: pump station operation and maintenance, odors and corrosion, conformance with the Town's Comprehensive Wastewater Management Plan, and collection system efficiency. The DPW may require the applicant to mitigate the effects of the proposed sewer connection/extension as well as mitigate existing system deficiencies.

5.4 Infiltration & Inflow (I&I) Fee

Any person or entity proposing to add additional wastewater to an existing sewer connection or any applicant for a new building sewer or change of use shall be charged a onetime infiltration & inflow mitigation fee. The fee will be based on the removal of 4 gallons of I&I for every one gallon proposed from



the new building. The sewer design flows proposed will be as published by the Massachusetts Department of Environmental Protection based on the type of establishment (310 CMR 15.203). For single and multi-family dwellings, the sewer design flow will be 110 gallons per bedroom. Commercial uses and design flows will be reviewed and determined by the Director, or their designee.

Renovation projects that add additional bedrooms to a residential property that has an existing municipal sewer connection are exempt from this fee.

5.4 Connection and Extension Approval Required

No person shall connect to a public or private sewer or directly to an MWRA sewer or construct a sewer extension which ultimately connects to a public or private sewer or to an MWRA sewer without the appropriate approval of the Sewer Connection or Extension application by the DPW and the MWRA and issued by the DEP. As defined in DEP regulations and in Section 5.10 below, approval of a sewer extension permit by the DEP shall not obligate the Town to approve the application.

5.5 Direct Connection to MWRA Sewers

A Direct Connection Permit application to the MWRA must be approved in advance by the DPW and MWRA.

5.6 Bonding Requirements

The DPW shall have the right to require that any person proposing to construct, repair, or modify a building sewer, other private sewer, grease trap, oil trap, and other wastewater facility tributary to the public wastewater system post a bond in a form satisfactory to the DPW and in an amount and for a period of time that the DPW deems sufficient to cover the work and guarantee construction quality and operating performance.

5.7 Licensed Drain Layer

All sewer installation, repair or maintenance work shall be performed by a drain layer who possesses a valid Drain Layers License issued by the DPW. A drain layer's bond, using the DPW's standard bond form, as then in effect, must be submitted and approved to the DPW in advance of installation, repair or maintenance.

5.8 Right to Inspect During Construction

The DPW shall have the right to inspect building sewers and other private sewers, grease traps, oil traps, and other facilities tributary to the public wastewater system, at any reasonable time while such construction is underway. The owner shall notify the DPW when such facility is installed and ready for final inspection and before the facility is connected to the public wastewater system. Connection to the public wastewater system shall be made in the presence of a DPW inspector. No facility shall be covered over until approval has been given by the DPW inspector. Such connection and all testing, as deemed necessary by the DPW, shall be made under the supervision of the Director or authorized representative. Minimum notice to the DPW for an inspection shall be 24 hours. The cost for final inspection by the DPW shall be borne by the owner of the facilities installed.

5.9 Expenses Borne by the Owner

All costs and expenses incidental to the application form, design, construction, installation, connection, repair, and maintenance of a building sewer, other private sewers, special facilities, grease traps, oil traps, or other wastewater facilities shall be borne by the owner. The owner shall indemnify the DPW from, and shall reimburse the DPW for, any loss or damage directly or indirectly occasioned by the installation of any building sewer, private sewer, special facility, grease trap, oil trap or other wastewater facility.



All fees for new service connections to the public wastewater system must be paid prior to installation.

5.10 Sewer Extensions

Any person may propose an extension, replacement or relocation of a public or private sewer to serve a new or rehabilitated building(s). Every person who proposes to extend, replace, or relocate a public or private sewer shall prepare and submit for review and approval by the DPW a construction plan, supplemented by such other required permits, plans, specifications, and information the DPW deems necessary to determine whether to approve the request. Extension, replacement, or relocation of a public or private sewer shall not commence without the DPW's prior written approval. Every extension, replacement, or relocation of a public or private sewer shall be designed and constructed in accordance with the DPW's design requirements, specifications, and standard details. Any tests, studies, investigations, and inspections required for design and construction shall be conducted in accordance with the DPW's requirements. All expenses incurred pursuant to the extension, replacement, or relocation of a public or private sewer including but not limited to application, engineering, bonding, legal, permitting, construction and inspection costs, as well as any expenses incurred by the Town, shall be paid for by the applicant.

After approval of a proposed sewer extension and after the attendant construction has been approved by the Town, the applicant may transfer ownership of the extended, replaced or relocated sewer to the Town through a process prescribed by the Town. The process shall include but not be limited to submission of as-built plans for the extended, replaced or relocated sewer and any other information required by the Town. Until such time as the transfer is approved by the Town, the extended, replaced or relocated sewer shall be considered to be privately owned by the applicant and shall be subject to the requirements pertaining to private sewers contained in these Wastewater Regulations.

When the Town must perform professional engineering and legal reviews for development projects, the applicant shall pay for such reviews regardless of the scope of the project.

5.11 Notice of Construction

After receipt of written approval from the DPW, the applicant or the contractor shall notify the DPW forty-eight hours in advance of when work is to be performed. The installation of sewer connections shall be made under the observation of the DPW or the DPW's duly authorized representative. No work shall be backfilled by the contractor without the authorization of the DPW.

5.12 Display of Approval

No work installing or repairing sewer connections or any customer plumbing and appurtenances that are under the jurisdiction of the DPW, shall commence unless the approval to do so is issued by the DPW and is at the site of the work, in the hands of the plumber or contractor doing the work. All work shall be completed within the time limitations stated in the approval, which shall be established by the DPW at the time that the approval is issued. If not so completed, a new approval shall be obtained by the owner to validate continuance of the work.

5.13 Excavation Safety

All excavations for sewer construction shall conform to applicable local, state, and federal codes and regulations and be adequately guarded with barricades, lights and by other means as necessary to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner consistent with applicable regulations and to the satisfaction of the DPW.



5.14 Interruption of Service

The DPW reserves the right to temporarily interrupt service without first giving notice of such action, if in the DPW's opinion, it is necessary to do so in order to facilitate making of repairs, alterations, or for any necessary purpose. Therefore, no person shall be entitled to receive damages, refunds, or payments as a result of any such interruption.

5.15 Abandonment and Service Termination

When a sewer service account has been discontinued for a period of one year or more and no commitment has been provided by the owner as to possible future use, the DPW may, at its sole discretion, consider the sewer service to be abandoned and may disconnect the sewer service pipe from the public sewer main at the owner's expense. A building sewer may be terminated upon notice from the property owner.

If any building is razed, the owner, at his/her expense, must disconnect the sewer service from the public sewer main and all work must be done in accordance with these Wastewater Regulations. Prior to demolition of any building or termination of a building sewer, the owner shall cut and cap all building sewers at the connection to the sewer, and have the DPW inspect all building sewers to ensure that they are properly cut and capped prior to backfilling.

5.16 Required Sewer Metering Equipment

The use of Framingham's wastewater facilities shall be based on water use measurement. Where water use measurement and/or analysis are not considered feasible, each user's impact on the facilities shall be determined by the quantity of water used, as obtained from a private source, or by an alternative means approved by the DPW.

Sewer use charges shall be assessed based upon the Board of Selectmen's policies at the same tier values as are currently being assessed for water use. On properties where multiple meters are used to record sewer usage, the usage may be combined to reflect the demands and costs of providing sewer service to the building/property.

If a secondary water meter is employed to deduct water use that is not conveyed into Town sewers, the sewer use billing will be based upon the adjusted wastewater discharge. Where irrigation meters are employed, the water use registered by these meters will not be used in determining the water use contributing to the waste water discharge. All costs associated with the purchase, installation, operation and maintenance of meters installed for the purposes of determining sewer usage beyond the primary water meter is the responsibility of the Owner.

The DPW requires all use of the sewer system to be measured. Sewer system use shall be based upon the water meter for the usage as indicated by the water meter(s) for the building/property. The DPW shall furnish all new water meters, up to 2-inch in size, to be installed by the owner. All new meters over 2-inch shall be furnished and installed by the owner. All water meters shall remain the property of the DPW, and the DPW shall have access to and control over the water meters. No unauthorized person shall remove, repair, or replace the water meter except as provided herein. The DPW shall determine the type of meter to be used. Under certain circumstances the Director shall require the installation of additional water meters to determine wastewater usage for the sole purpose of measurement. This requirement is for the purposes of measuring flows to the sewer system from sources not measured through Town-administered water meters.

Additionally, the Director may require the installation of sewer meters in instances where determination of system use (as described herein) is not possible, or deemed to be inaccurate by the Director through the installation of water meter type devices. The Director may allow certain users of the collection system to install metering devices consistent with the regulations for the purposes of measuring wastewater usage.



The owner shall be responsible for all costs associated with the purchase, installation, operation, and maintenance of sewer and/or additional water meter(s) for the purposes of measuring wastewater usage.

5.17 Tampering

Anyone who injures a meter or prevents, hinders or interferes with its proper action or registration of the fluid supplied through it, or causes it to be used without consent of the DPW is subject to severe penalties, pursuant to Chapter 165, Section 11 of the Massachusetts General Laws.



5.18 Accuracy

At any normal rate of flow, as specified by AWWA standards, a new water meter for the purposes of determining sewer usage shall register not less than 98.5% and not more than 101.5% of the measured fluid that actually passes through it. A used water meter for the purposes of determining sewer usage shall register not less than 97% and not more than 103% of the measured fluid that actually passes through it.

5.19 Testing and Repairs

The DPW shall provide water meter for the purposes of determining sewer use. A customer may request that the Town test his or her meter. Such tests shall be performed at the expense of the owner. The DPW reserves the right to test a water meter for the purposes of determining sewer use or to replace water meter for the purposes of determining sewer use, whether or not requested by the customer. If the water meter for the purposes of determining sewer use test reveals the meter to be over-registering by more than 3%, the DPW will repair or replace the meter, refund the test fee, and adjust the bill for the current period in proportion to the rate of over-registration.

Other requirements for these meters shall be consistent with the Town of Framingham's Water Regulations.

No unauthorized person shall repair, remove, replace, or otherwise tamper with a meter. Repair or replacement of meters necessitated by ordinary wear shall be paid for by the DPW. The customer shall pay for meter repairs or replacements caused by freezing or other willful neglect of the customer.

5.20 Bypasses

No meter bypass piping will be allowed without the written permission of the Director, and in those cases, only with a meter installed on the bypass line.

5.21 Master Meters

When wastewater collected from more than one dwelling unit through a single service, a single meter shall be installed to record water usage for the whole supply furnished from the service. If secondary or auxiliary meters are desired by the Owner for showing sub-division of the sewer use, they shall be furnished, installed, maintained and read by the Owner. Separate billing will not be provided by the DPW.

5.22 Private Wells

Any existing private wells or new private wells which are connected to plumbing systems that have the capability of discharging to the public sewer system shall be metered and shall be subject to Town sewer charges. Meters for private wells shall be furnished, installed, and maintained by the Owner, but shall remain the property of the DPW. Meters for private wells are subject to all the rules and regulations governing other meters.

5.23 Liability

The Town assumes no liability for conditions that exist in an owner's or user's pipes and causes trouble coincident to or following the repair of any main pipe, service pipe, meter or other appliance belonging to the Town.

The owner shall indemnify the Town from and shall reimburse the Town for any loss or damage directly or indirectly caused to the Town's sewer facilities by the installation of any privately owned plumbing. An owner or user shall indemnify and hold harmless the Town for any damages or civil liabilities the Town may sustain or be required to pay in consequence of an injury or property damage resulting from the owner's or user's violation of these Wastewater Regulations.



In acting under these Wastewater Regulations, the Town shall be deemed to be performing an essential public function. The Town shall not be liable for any loss or damage as a result of the performance of such public function as provided by M.G.L. c. 258 §10.

5.24 Penalties

Pursuant to M.G.L. c. 83 §10, any person who violates any provision of these Wastewater Regulations shall, upon issuance of a Town order to that effect, forfeit and pay to the Town the penalty established by applicable Massachusetts General Laws or by these Wastewater Regulations for each such violation. For purposes of these Wastewater Regulations, each day that a violation continues shall be deemed to be a separate violation.

Failure to comply with any portion of these Wastewater Regulations, or with any approval or order issued thereunder, shall be sufficient cause for the Town to levy on and collect from each violator any additional cost for any expense, loss or damage incurred by the Town as a result of such violation.

Any person violating any of the provisions of these Wastewater Regulations shall become liable to the Town and the MWRA for any expense, loss or damage suffered by the Town or by the MWRA by reason of said violation.



SECTION 6

GENERAL REQUIREMENTS, DISCHARGE REQUIREMENTS, PROHIBITIONS AND RESTRICTIONS

6.1 Compliance with Discharge Limits

Every user who directly or indirectly discharges wastewater to the Town's wastewater systems shall comply with the strictest of the following discharge limits applicable to the discharge: the National Pretreatment Standards, NPDES Permit conditions, state limits, MWRA local or permit limits, limits contained in these Wastewater Regulations, and limits in a permit or order issued under these Wastewater Regulations. If a National Categorical Pretreatment Standard includes a limit in addition to a daily maximum limit (e.g., 30 day, monthly, weekly, four day, loading, or production-based limit), that limit must also be met.

It shall be unlawful to discharge wastewater to any natural outlet within the Town of Framingham, or in any area under the jurisdiction of said Town, any sewage or other polluted waters.

6.2 Dilution Prohibited

No user shall achieve, or attempt to achieve, compliance with these Wastewater Regulations by diluting a discharge instead of using proper pretreatment. The increased use of process water in place of proper treatment shall be considered dilution and is prohibited by these Wastewater Regulations.

6.3 Monitoring Facility Requirements

When required by the Town or the MWRA, a user shall install suitable control or measuring devices together with manholes, chambers, meters, and other appurtenances in its building sewer(s) to facilitate discharge observation, monitoring, sampling and measurement.

Such manholes, chambers or meters shall be safely accessible and shall be located and constructed in accordance with site plans approved by the Town and the MWRA, shall be installed by and at the expense of the owner, and shall be maintained by the owner in good operating condition at all times.

All meters and other measuring devices shall be approved by the Town prior to installation and use. All meters and measuring devices shall be calibrated by the owner so as to ensure accurate measurement. The facilities shall be constructed in accordance with all applicable construction standards. Construction shall be completed in compliance with a time schedule established by the Town and the MWRA.

All records from meters, measuring devices and samplers shall be kept for at least five years and furnished to the Town and the MWRA upon request. During construction and after installation, the Town shall have the right to inspect the facilities in accordance with Section 8 hereof.

6.4 Sampling and Analysis

All measurements, tests and analyses of the characteristics of water and wastes required to conform to these Wastewater Regulations shall be performed in accordance with the most recent edition of Standard Methods, unless otherwise authorized or required by the Town, MWRA, EPA or DEP.

Sample analysis required by these Wastewater Regulations or any permit issued thereunder shall be performed by an independent laboratory currently certified by the DEP for the parameters being analyzed. The use of a laboratory with provisional DEP certification is prohibited.

Samples analyzed shall be collected at locations designated by the Town or the MWRA and by methods acceptable to, and at a frequency determined by the Town and the MWRA. The Town or the MWRA will



stipulate whether a composite or grab sample(s) should be taken and whether composite samples will be time or flow weighted.

The Town or the MWRA may require an applicant to submit a complete data package, including chain of custody records, raw data, and quality assurance/quality control related results, with a report required by the Town or the MWRA. The Town may require that discharge monitoring reports be submitted on paper copy, computer diskette, or by electronic means.

6.5 Compliance Measurement Location

All limitations imposed by these Wastewater Regulations shall be applied at the end of the pretreatment process line, or at the end of the process line if there is no pretreatment. The owner or user shall not introduce a pollutant into a waste stream after the compliance measurement location.

6.6 Notification of Changed Discharge

Every user who directly or indirectly discharges waters or waste to the Town's wastewater system shall notify the Town in writing in advance of (a) any substantial change in the volume or characteristics of the pollutants in the discharge; and (b) any change in the location of the discharge to a different connection.

6.7 Notification of Violations

Users shall notify the DPW by telephone and electronic mail immediately upon discharging water or wastes in violation of these Wastewater Regulations or their other permits and of any upset, slug load, or spill that may reasonably be expected to discharge to the wastewater systems.

Each notification shall be followed within 15 days of the date of occurrence by a detailed written statement addressed to the DPW describing the causes of the discharge and the measures being taken to prevent a recurrence. Such notification will not relieve users of liability for any expense, loss or damage to the Town wastewater systems, to the MWRA wastewater system, or for any fines imposed on the Town due to such discharge.

In the case where a discharge to the wastewater system violates these Wastewater Regulations, any conditions of approval hereunder, or any other permit, the user shall also notify the Director of the MWRA's Sewerage Division immediately, by telephone. Such notification shall be followed within 15 days of the date of occurrence by a detailed written statement delivered to the MWRA.

6.8 Preventive Measures

Each user shall provide reasonable and appropriate protection from any discharge, including accidental discharges, in violation of these Wastewater Regulations.

6.9 General Prohibitions

No persons shall discharge or cause or allow to be discharged into a public sewer, any substances, waters or wastes that the DPW, DEP, or the MWRA has identified as likely, either singly or by interaction with other substances, to:

- (a) Harm or interfere with any wastewater system, wastewater treatment facility, or wastewater treatment process;
- (b) Pass through, interfere with or be otherwise incompatible with the wastewater treatment process or sludge disposal;
- (c) Cause or result in blockage of flow;



- (d) Cause a violation of Federal or State law or any discharge permits issued to either the DPW or the MWRA;
- (e) Cause a violation of water quality standards or otherwise adversely affect the receiving waters;
- (f) Endanger or threaten to endanger life, limb, health, or welfare of any person(s), or the public health, safety, welfare, or the environment, or property; or
- (g) Constitute a nuisance as provided by M.G.L. c. 83 § 10, M.G.L Chapter 111 § 122 and § 123 and pursuant to 310 CMR 7.00.

6.10 Prohibited Wastes or Substances

No person shall discharge or cause or allow to be discharged directly or indirectly into a public sewer any of the following:

- (a) Fuel oil, crude oil, lubricating oil, or any other oils or greases of hydrocarbon or petroleum origin in excess of 15 milligrams per liter.
- (b) Any wastewater discharge from any building or facility served by a private water supply without having first obtained written authorization from the DPW.
- (c) Swimming pool water unless there is no reasonable alternative as determined by the DPW and MWRA and upon written approval by the DPW and the MWRA.
- (d) Any liquid, solid, or gas including but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides and methyl ethyl ketone, which by reason of its nature or quantity is or may be sufficient, either alone or by interaction with other substances, to create a fire or explosion hazard or to be otherwise injurious to the sewerage system, or to receiving waters, including:
 - 1) Wastewater with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21, and measured at the point of indirect discharge to the public or the MWRA's sewerage system, or at such other place as the DPW or the MWRA determines; or
 - 2) Any pollutant which causes an exceedance of 10 percent of the lower explosive limit as measured by an explosimeter at the point of discharge to the sewer or at any point within the sewer.
- (e) Solids or viscous substances (such as, but not limited to, sand, mud, metal, glass, wood, paper, plastics, rags, rubber, latex, and lime or other slurries, garbage, bones, hair, human parts, hides or fleshings, animal guts or tissues, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass clippings, spent grains, spent hops, tar, asphalt residues, residues from refining or processing fuel or lubricating oil, grease, or glass grinding or polishing wastes) in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the public wastewater system.
- (f) Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or of preventing safe entry into sewers for purposes of inspection, maintenance or repair.



- (g) Any waters or wastes containing strong acid iron, pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (h) Any slug.
- (i) Sludge or deposited solids resulting from an industrial or pretreatment process.
- (j) Substances causing noticeable discoloration or turbidity.
- (k) Liquids or vapors having a temperature higher than 150°F (65°C) unless an alternative temperature limit is approved in writing by the DPW and the MWRA.
- (l) Any garbage containing particles larger than one-half inch (1.27 centimeters) in any dimension or particles which will not be carried freely in the wastewater system.
- (m) Waters or wastes having pH lower than 5.5 or higher than 12, or having any other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, people or the collection system. Deviations from these limits are permitted for facilities that continuously monitor pH, subject to limitations established by the MWRA in its Sewer Use Regulations 360, CMR 10.000.
- (n) Mercury, polychlorinated biphenyls (PCBs), phenanthrene or pesticides, including but not limited to, dieldrin, chlordane, 1,1,1-Trichloro-2,2- bis(p-chlorophenyl)-ethane (4-4 DDT), demeton, endosulfan I, endosulfan II, endrin, guthion, heptachlor, malathion, methoxychlor, mirex, parathion, acrolein, aldrin, TDE, DDE, Hexachlorocyclohexane, lindane, benzene-cis-hexachloride and benzene-trans-hexachloride (BHC), hexachlorocyclopentadiene and toxaphene.
- (o) Waters or wastes containing amounts of metal or other materials in excess of the limits as contained in the most current version of applicable Federal, State, MWRA, or local regulations
- (p) Waters or wastes containing amounts of toxic or objectionable metals and nonmetals in excess of limits contained in Federal, State or MWRA regulations or in a Sewer Use Discharge Permit.
- (q) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by Federal, State or MWRA regulations.
- (r) Total suspended solids or dissolved solids of a type or concentration which would inhibit flow in the collection system.
- (s) Materials which exert a biochemical oxygen demand in excess of 2,000 milligrams per liter or a chemical oxygen demand in excess of 3,000 milligrams per liter, sulfate in excess of 500 milligrams per liter, total sulfide in excess of 0.3 milligrams per liter or a chlorine demand in excess of limits established by the MWRA.
- (t) Waters or wastes containing fats, wax, grease, or oils of vegetable or animal origin in excess of 100 milligrams per liter or containing other substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 to 65 degrees Celsius). Waters or wastes containing such substances (excluding normal household waste) shall exclude all visible floatable oils, fats and greases. The use of chemical, biological or physical means (such as temperature variation, solvents, enzymes, emulsifying agents, mechanical mixers) to bypass or release fats, waxes, oils or greases into the wastewater system is prohibited.



- (u) Any substances containing pathogenic organisms in such quantities as determined by local, state or federal law as hazardous to the public health or the environment, including but not limited to biological waste, hospital or medical wastes, and related used equipment and supplies.
- (v) Hazardous waste or wastewater which has come in contact with hazardous waste.
- (w) Waste or wastewater discharged through a bypass, unless such discharge through the bypass was approved in writing advance by the DPW and the MWRA, or the discharge through the bypass is allowed by 40 CFR 403.17 and the person using the bypass has provided the required notices to the DPW and the MWRA in a timely manner.
- (x) Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the DPW or the MWRA, any filter backwash that is not treated to meet the limits and prohibitions established by the DPW or the MWRA, or any filter backwash which causes or contributes to a violation of these Wastewater Regulations.
- (y) Any trucked or hauled pollutants.
- (z) Any water or wastewater, not otherwise governed by these Wastewater Regulations, containing pollutants at levels which may adversely affect the MWRA's ability to process or dispose of its wastewater residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.

6.11 Prohibited Discharges into Sanitary Sewers

No person shall discharge or cause or allow to be discharged directly or indirectly into a public sewer or into a sanitary sewer tributary thereto any groundwater, dewatering drainage, subsurface drainage, tidewater, accumulated surface water, non-contact cooling water, non-contact industrial process waters, uncontaminated contact cooling water and uncontaminated industrial process water, or waters associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank, or dewatering of a manhole.

6.12 Disposal of Septage Prohibited

No person shall discharge or cause or allow to be discharged any septage into a public sewer or into any sewer tributary thereto.

6.13 Illegal Connections

No person shall discharge or cause or allow to be discharged into a public sewer or into a sanitary sewer tributary thereto any source of infiltration or inflow, such as groundwater, stormwater, dewatering drainage, subsurface drainage, or accumulated surface water, from a sump pump, roof downspout, area drain, foundation drain, or any other structure.



SECTION 7

INDUSTRIAL DISCHARGE AND PRETREATMENT REQUIREMENTS, INDUSTRIAL DISCHARGE, MWRA GROUP PERMIT, AND MWRA GENERAL PERMIT REQUIREMENTS

7.1 Compliance with MWRA and DEP Regulations

The intent of these Wastewater Regulations is to comply with the MWRA and DEP regulations governing dischargers of industrial wastes. These Wastewater Regulations shall accordingly be construed to conform with such MWRA and DEP regulations as they now are in effect or may be amended.

7.2 Prohibited Discharges

No industrial user shall discharge or cause or allowed to be discharged into any Town sewer or into any sewer tributary thereto any prohibited or restricted wastes identified herein.

7.3 Discharge Permits

No user shall discharge industrial wastes, directly or indirectly, into the Town's or MWRA's wastewater system without first obtaining a Sewer Use Discharge Permit, an MWRA Group Permit or an MWRA General Permit authorizing the discharge or unless such discharge is exempted by these Wastewater Regulations. The determination as to whether a discharge constitutes an industrial discharge and that coverage under a Sewer Use Discharge Permit, MWRA Group Permit, or an MWRA General Permit is required rests with the Town and the MWRA. Every user proposing a new or modified discharge of industrial wastes shall obtain such appropriate permit as applicable prior to constructing a building sewer to convey such wastes.

A permittee shall provide at least 30 days advance written notification to the Town before taking any action which may substantially change the volume or nature of its discharge, including a substantial change in the volume or character of pollutants in its discharge, from any compliance measurement location, or from any sewer connection. Such actions may include, but not be limited to, the following:

- 1) Substantial expansion or contraction of the facility from which the discharge originates;
- 2) Substantial increase or decrease in production;
- 3) Modification of any process;
- 4) Alteration of the pretreatment system or the operation of the pretreatment system; or
- 5) Discharge from a different or relocated sewer connection.

The DPW shall determine if a proposed change is "substantial." The Town and the MWRA will review the information provided in the written notification of modification and will inform the permittee if the proposed change requires submission of a new permit application. The permittee shall file a new permit application if required by the Town or the MWRA, and obtain a modified permit before taking the action described in the notice. If a new permit is not required, the permittee may take the action described in the notice, provided that the action does not violate these Wastewater Regulations or the permit.

If an industrial user discharges types, amounts or rates of pollutants in violation of these Wastewater Regulations or its permit, the Town may revoke its permit in accordance with Section 8 of these Wastewater Regulations. If changes in the industrial process have improved the characteristics and/or volume of its discharge, an industrial user may apply to the Town and the MWRA for modification of its discharge permit.



When required by its permit, an industrial user shall submit to the Town and the MWRA at a designated frequency and in a form acceptable to the Town and the MWRA a duly signed discharge report containing all information requested by the Town or the MWRA. Any additional information requested from time to time by the Town or the MWRA shall also be furnished.

The Town and the MWRA may use the information provided in permit applications, permits and discharge reports as a basis for determining user charges. A permit shall not be assigned or transferred without prior written approval of the Town and the MWRA. After approval of a permit assignment or transfer, the permittee shall provide a copy of the permit to the assignee or transferee.

7.4 No Permit Required

Unless otherwise required under these Wastewater Regulations, industrial discharges from the following establishments shall not require a Sewer Use Discharge, an MWRA Group, or an MWRA General Permit:

- (a) Restaurants, cafeterias, and other food preparation facilities that primarily prepare meals and snacks for consumption on their premises or for take-out.
- (b) Supermarkets, groceries, and other facilities that are primarily retail purveyors of food.
- (c) Coin operated laundromats; laundries that do not wash any of the following: industrial and commercial uniforms, wipers, mats, or mops; hospital or commercial linens; diapers; or carpets. Dry cleaners do not require a permit, but may not discharge cleaning solvents (e.g. perchloroethylene), including solvents in their cooling water discharge.
- (d) Commercial facilities that discharge only human and domestic wastes.
- (e) Dental Facilities that are in compliance with DEP Regulations at 310 CMR 73.01.
- (f) Other users who do not discharge industrial wastes.
- (g) Other discharges which are otherwise exempted by these Wastewater Regulations.

The DPW may perform inspections of these facilities as it deems necessary and as described in Section 8.1.

7.5 Compliance With Discharge Permit

No user shall directly or indirectly discharge any industrial waste into the Town's wastewater system unless such discharge complies with a Sewer Use Discharge Permit, an MWRA Group Permit or an MWRA General Permit issued to the discharger, and complies with, or is exempted by these Wastewater Regulations.

7.6 Obligation to Comply With Regulations

The issuance of a Sewer Use Discharge Permit, an MWRA Group Permit or an MWRA General Permit shall not relieve the permittee of its obligation to comply with the Massachusetts Clean Waters Act, G.L. c. 21, sections 26 through 53, and with all of the requirements contained in these Wastewater Regulations, unless specifically modified by the permit.

7.7 Significant Industrial Users

In addition to the requirements of these Wastewater Regulations, any person operating a facility in Framingham that is a significant industrial user as defined in 40 CFR 403.3 shall comply with the applicable requirements of 40 CFR Part 403, including the reporting requirements of 40 CFR 403.12 and any National Categorical Pretreatment Standard applicable to the facility.



7.8 Sewer Use Permit Application and Issuance Every user is required to obtain a Sewer Use Discharge Permit, and shall complete and file with both the Town and the MWRA a permit application form which may be obtained from either the Town or the MWRA.

The Town and the MWRA shall evaluate the adequacy of data furnished in the application and may require the applicant to provide additional data within a specified time. If the applicant fails to supply the requested information, the Town may deny the Sewer Use Discharge Permit. After receipt of adequate data, the Town and the MWRA may issue a Sewer Use Discharge Permit. The Sewer Use Discharge Permit is effective only when authorized in writing by both the Town and the MWRA.

The Town and the MWRA may stipulate special conditions and terms upon which a Sewer Use Discharge Permit is issued. Sewer Use Discharge Permits may contain the following terms and conditions:

- (a) Limits on rate, time and characteristics of discharge and requirements for flow regulation, equalization and retention.
- (b) Installation of inspection, flow measurement and sampling facilities, and provisions for access to such facilities for inspection and/or sampling related to the permit terms and conditions.
- (c) Specifications for monitoring programs which may include flow measurement, sampling, physical, chemical and biological tests, data recording, and reporting schedules.
- (d) Pretreatment requirements and implementation schedules, including schedules for reporting progress towards meeting such requirements.
- (e) Periodic submission of discharge reports and retention and submission of hazardous waste manifests.
- (f) Special service charges or fees.
- (g) Provision for the operation of wastewater pretreatment facilities by persons licensed according to state law, including the Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities, 257 CMR 2.00.
- (h) Other provisions deemed appropriate by the Town or the MWRA to ensure compliance with these Wastewater Regulations and with applicable requirements of State or Federal laws.

The Town or the MWRA may change the conditions of a Sewer Use Discharge Permit from time to time as circumstances (including Federal or State statutes or regulations) may require with adequate notice to the user.

7.8.1 Denial of Sewer Use Discharge Permit

The Town and the MWRA shall evaluate the adequacy of the information supplied in each Sewer Use Discharge Permit application. If the application contains insufficient, inaccurate or incomplete information, the Town or the MWRA may request that additional information be submitted within a specified period, or may take such other action as is authorized by law. If the applicant fails to supply the information requested by the Town or the MWRA, the Town or the MWRA may deny the permit application. After review of the application and any additional information, the Town or MWRA may issue the permit, and may stipulate special conditions and terms for issuance of the permit.



7.9 MWRA Group Permit Application

The owner of a facility required to be covered under an MWRA Group Permit shall complete and file with the MWRA an application or Notice of Intent to Discharge, on a form available from the MWRA. A copy of the Application or the Notice of Intent shall be provided to the Town. The owner shall not commence discharging until it is issued a Group Permit by the MWRA.

7.10 MWRA General Permit Application

The owner of a facility required to be covered under an MWRA General Permit shall complete and file with the MWRA an application or Notice of Intent to Discharge, on a form available from the MWRA. A copy of the application or the Notice of Intent shall be provided to the Town. The owner shall not commence discharging until the owner of the facility receives written notice from MWRA that the facility is covered under a General Permit.

7.11 Notification to Employees

Users shall inform their employees of the existence of these Wastewater Regulations, and if applicable, of the permittee's Sewer Use Discharge Permit, MWRA Group Permit or MWRA General Permit. At least one copy of these Wastewater Regulations and the Permit(s) shall be permanently and conspicuously posted by each such user. Such user shall also permanently post a notice identifying the employee who has been designated as the individual responsible for compliance with, and who should be notified of any violation of, these Wastewater Regulations or a permit. Every such user shall provide a copy of its Sewer Use Discharge Permit to each employee working in its pretreatment operations.



SECTION 8 **ENFORCEMENT**

8.1 Inspection and Right of Access

Duly authorized representatives of the Town may inspect the property or facilities of any user (including facilities under construction) to ascertain compliance with these Wastewater Regulations or compliance with any approval issued pursuant to these Wastewater Regulations.

Owners or occupants of premises where wastewater is either generated or discharged shall allow properly identified Town representatives safe and ready access, at all reasonable times during normal business hours and at such other times as the Town reasonably suspects that a violation of these Wastewater Regulations or an approval issued pursuant to these Wastewater Regulations may be occurring. The DPW shall be admitted to such parts of the premises as necessary to inspect, observe, measure, sample, and test such facilities that the Director reasonably believes may be contributing to a violation of these Wastewater Regulations. The DPW shall also have free access to all premises for termination of service due to non-payment of bills.

Access shall be allowed to all such parts of the premises as would enable the Town personnel to inspect, observe, measure, sample and test:

- (a) Internal plumbing;
- (b) Pretreatment facilities;
- (c) Internal discharge points or connections;
- (d) Exterior connections;
- (e) Building sewers;
- (f) Meters;
- (g) Oil traps and grease traps;
- (h) Any other facilities required by the Town and/or the MWRA to be constructed, installed or utilized;
- (i) Measurement, sampling and testing facilities and procedures that have been required by the Town and/or the MWRA; and,
- (j) Such other facilities as the Town reasonably believes may be contributing to a violation of these Wastewater Regulations or an approval issued pursuant to these Wastewater Regulations.

The Town, by itself or in conjunction with the MWRA, may conduct routine, periodic inspections of certain types of facilities. It is anticipated that restaurants, other food handling or food processing establishments, service stations, and other entities which deal with grease or petroleum products are particularly likely to be subject to such an inspection program. Other industrial users may also be so inspected, as the Town deems appropriate. Owners or occupants shall provide any labor or equipment needed by Town or MWRA personnel to open, inspect, and operate oil and grease traps and other facilities.

The Town shall be deemed to be performing a governmental function for the benefit of the general public, and neither the Town nor the owner shall be liable for any loss or damage as a result of the performance of such governmental functions. Where a person has security measures in force which would require proper identification and clearance before entry into the premises, the person shall make necessary arrangements



with their security so that upon presentation of suitable identification, the Town will be permitted to enter without delay for the purposes of carrying out their specific responsibilities.

8.1.1 Right of Entry

Duly authorized representatives of the Town shall be permitted to enter all private property through Town owned easements for the purpose of inspection, observation, measurement, sampling, testing, maintenance, repair or reconstruction of any portion of a public sewer system lying within said easement. Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the Town reasonably suspects that a violation of these Wastewater Regulations is or may be occurring or an urgent condition or emergency exists that requires immediate action on the part of the Town access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency. All entry and subsequent work, if any, shall be done in full accordance with the terms of said easement.

Where a user has security measures in force that would require clearance before entry to the premises, the user shall make necessary arrangements to permit Town personnel to enter without undue delay for the purpose of carrying out their specific responsibilities.

8.1.2 Termination of Service

The Town may forthwith give written notice of its intent to terminate water and sewer service where an owner or user having received reasonable notice refuses to permit properly identified Town personnel to enter or have access to premises in accordance with the terms of this section. Notwithstanding any other course of action available to it, the Town has the right in accordance with applicable Federal and State law to apply for entry to premises served by the public water and sewer system for the purposes as set forth in this Section.

8.2 Violations, Penalties, and Enforcement Actions

Whenever, on the basis of any available information, the Town finds that a person:

- (a) Violated, is violating or intends to violate these Wastewater Regulations;
- (b) Violated, is violating or intends to violate any approval issued pursuant to these Wastewater Regulations;
- (c) Made a false representation in an application, record, or report to the Town or failed to provide relevant information;
- (d) Manipulated, falsified, tampered with, or rendered inaccurate a meter, meter reading device, or appurtenance thereto;
- (e) Failed to comply with an order or ruling issued by the Town or a court after having reasonable opportunity to comply;
- (f) Failed to pay a penalty or fee due to the Town; or,



- (g) Caused or threatened damage to the Town's collection system, the Town may take any one or more of the following actions, in any sequence or simultaneously:
- 1) The Town may issue an order to cease and desist any such violation or any actions that cause or intend to cause a violation, and/or an implementation schedule for undertaking specific actions or practices.
 - 2) The Town may require the owner or user to submit a detailed time schedule setting forth specific actions to be taken and specific dates upon which such actions will be taken in order to prevent or correct a violation. The Town may issue an implementation schedule containing or modifying such specific actions and time schedule, or requiring such other actions within such times as the Town deems appropriate.
 - 3) The Town may issue an order directing the owner or user to pay to the Town penalties and costs in accordance with these Wastewater Regulations
 - 4) The Town may revoke, modify, deny, suspend or refuse to renew an approval issued under these Wastewater Regulations.
 - 5) The Town may take direct enforcement action by filing suit in any court of competent jurisdiction for civil or criminal fines and reimbursement of costs or damages resulting from the violation or threatened violation.
 - 6) The Town may terminate water and sewer service as authorized in these Wastewater Regulations.
 - 7) The Town may take any other action available to it under any applicable statute or regulation.

8.2.1 Notice of Non-Compliance

The purpose of a notice of non-compliance is to provide a formal notice of one or more violations and to set a compliance date or require the submission of a compliance schedule. A notice of non-compliance shall not be construed as an authorization or approval to violate any law, regulation or requirement prior to achieving compliance. A notice of non-compliance shall identify the violation(s) and shall require the person to comply by a certain date or to submit a written report to the DPW by a certain date that describes the measures the person will take to correct the violation and the date by which such measures will be taken. A notice of non-compliance shall notify a person of their right to request reconsideration of the notice of non-compliance.

8.2.2 Cease and Desist Order

The DPW may issue a cease and desist order to require a person to:

- (a) Cease and desist a violation and/or any actions that cause or threaten to cause a violation;
- (b) Submit written reports to the DPW that describe the measures the person will take to correct the violation and the dates by which the measures will be taken;
- (c) Take specific measures to correct or eliminate a violation;
- (d) Follow an implementation schedule that requires specific actions according to a time schedule;
- (e) Follow a schedule of sampling, analysis and reporting to the DPW; and/or,
- (f) Take any other action authorized by law.



A cease and desist order shall identify the violation(s), shall require the person to comply by a certain date, and shall notify the person of their right to request reconsideration or the order.

8.2.3 Penalties

Any person who continues to violate these Wastewater Regulations after notice and/or a cease and desist order; or who knowingly makes false representation in an application, record or report to the Town; or who has falsified, tampered with or knowingly renders inaccurate any meter, monitoring device or method required under these Wastewater Regulations shall be subject to civil monetary penalties established by:

- (a) Applicable Massachusetts law;
- (b) Applicable rules and regulations of the Department of Environmental Protection and the MWRA; and,
- (c) Such penalty schedules as may from time to time be adopted by the Town through the Board of Selectmen as the Water and Sewer Commissioners and appended to these Wastewater Regulations.

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

If the Town elects to file an enforcement action in a court of competent jurisdiction, the damages then recoverable by the Town shall not be limited to amounts recoverable under these Wastewater Regulations.

Pursuant to M.G.L. c. 83 §10 and §13, failure to comply with any portion of these Wastewater Regulations, or with any approval or order issued thereunder, shall be sufficient cause for the Board of Selectmen to levy on and collect from each violator any additional cost for expense, loss, or damage occasioned by such violation, including the cost of remedial or preventive actions taken by the Board of Selectmen and/or the Director pursuant to correcting the violation and all other related costs such as, but not limited to, those described in these Wastewater Regulations.

8.2.4 Approval Action

The DPW may revoke, suspend, modify, deny, or refuse to renew an approval issued under these Wastewater Regulations whenever, on the basis of available information, the DPW finds that the applicant:

- (a) Provided false or misleading information to the DPW, or failed to provide relevant information to the DPW, as part of the approval process;
- (b) Intentionally falsified or misrepresented, rendered inaccurate or tampered with any meter, monitoring device or method used or required by the DPW;
- (c) Manipulated sampling, inspecting, or other monitoring to hide actual or potential violations of these Wastewater Regulations;
- (d) Has a history of noncompliance that has not abated after receiving a notice of noncompliance, order, or penalty from the DPW;



- (e) Has failed to comply with a notice of non-compliance, order, or ruling issued by the DPW or a court after having a reasonable opportunity to comply;
- (f) Intentionally violated a notice of non-compliance, order or ruling issued by the DPW or a court;
- (g) Does not have the ability to comply with DPW requirement within a reasonable period of time;
- (h) Maintains a condition which can reasonably be expected to result in significant harm to health, safety, the environment, the public water system; or,
- (i) Has failed to pay a penalty or fee due the DPW after receiving notice to do so.

An approval action shall be initiated by a notice to the applicant that:

- (a) Identifies the basis for the DPW action and the facts and circumstances upon which the DPW relies;
- (b) Indicates whether such action is of limited, indefinite, or permanent duration; and,
- (c) Informs the applicant of its right to request reconsideration of the approval action and that timely filing of such request will stay the approval action pending the resolution of such request.

An approval action may be taken to prevent further violations, as a means to help insure compliance, as part of a process escalating enforcement to gain compliance, and/or as a deterrent to future violations by the applicant subject to the action.

8.2.5 Appeal Process

8.2.5.1 Notification and Conference

Whenever the DPW issues an approval; denies, revokes, modifies, or amends any form of the approval or the application; requires an owner or user to build or install any particular facility or device; issues a cease and desist order, a compliance order, or an implementation schedule; or assesses penalties or other charges for noncompliance with these Wastewater Regulations, any other permit, or other lawful requirement, the DPW shall promptly inform the owner or user to whom such action is addressed.

Such notice shall be sent first-class mail return receipt requested and shall inform the addressee of his/her right to submit, within 14 days after the date of such notice, a written request for reconsideration of the DPW's action. A request for reconsideration shall be addressed to the Director and shall set forth in detail the facts supporting it. Such a request shall not have any effect to stay or delay the DPW's action, unless the Director provides otherwise in writing mailed to the entity making the request.

Upon receiving a timely request for reconsideration, the Director shall schedule a conference with the entity making the request. Written notice of the conference date, time, and place shall be mailed to that entity at least 10 days before the date of the conference, which shall be held no later than 21 days after receipt of the request. The Director shall rule in writing on the



request for reconsideration within 14 days after completion of the conference. The Director's decision shall be final.

8.2.5.2 Immediate Enforcement Action

Where required or permitted by Federal or State law, the conditions of its NPDES permit, or directives or orders of the EPA, DEP, or MWRA, the DPW may take immediate enforcement action, notwithstanding the request for reconsideration. Nothing in this section requires exhaustion of any administrative process before resort to judicial remedies or the imposition of any civil fine.

8.2.6 Termination of Service

Notwithstanding any other provision of these Wastewater Regulations, whenever the DPW finds that a condition presents or reasonably appears to present an imminent endangerment to the health or welfare of persons or to the environment, or threatens to interfere with the operation of the public sewer system, the DPW may take steps immediately and effectively to halt or prevent such a condition. Steps may include disconnecting the person from the public sewer system. Non-payment of bills may result in termination of water and sewer service by the Town.

8.3 Vandalism

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of Framingham's water and wastewater facilities. Any person who violates this section will be subject to fines, in addition to the repayment of all associated repair costs.



SECTION 9 **ADOPTION**

9.1 Effective Date

These Wastewater Regulations shall be in full force and effect from and after their adoption by the Board of Selectmen as the Water and Sewer Commissioners and publication by the Town as provided in M.G.L. c. 83 .§ 10 and shall be filed with the Town Clerk as required by M.G.L. c. 40 .§ 33.

9.2 History

Adopted and approved by the Board of Selectmen as the Water and Sewer Commissioners, Town of Framingham, on the 19 day of May 2015.

9.3 Amendments

These Wastewater Regulations may be amended and reissued by the Town as is deemed necessary or appropriate from time to time pursuant to M.G.L. c. 83 §10.