

TOWN OF JAY SEWER USE ORDINANCE

A TRUE COPY ATTEST CERTIFIED BY:

Ronda L. Palmer, Town Clerk

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**TOWN OF JAY
SEWER USE ORDINANCE**

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TOWN OF JAY

SEWER USE ORDINANCE

Pursuant to Title 30-A, Chapter 161, other applicable authority in Maine and amendments thereto, the following is an Ordinance regulating the use of public and private sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s), and providing penalties for violations thereof, in the Town of Jay, County of Franklin, State of Maine.

Be it ordained and enacted by the Town as follows:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) of the Town and enables the Town to comply with all applicable local, State and Federal laws, ordinances and regulations, including the Jay Environmental Control and Improvement Ordinance, the Clean Water Act (33 of United States Code § 1251 et seq.), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403), and 06-096 CMR Chapter 528 Pretreatment Program. Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices, and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs, as well as assisting to protect the environment, the Town establishes the following objectives of this Ordinance:

A. To promote, consistent with the policy of the federal government:

- The prevention or reduction of pollutants at the source whenever feasible;
- Recycling in an environmentally safe manner when pollution cannot be prevented;
- Treatment in an environmentally safe manner of pollution that cannot be prevented or recycled; and
- Disposal or other release into the environment in an environmentally-safe manner only as a last resort.

To encourage the development of these efforts, the Town may:

- Set Town wide pollution prevention goals;
- Organize an assessment program task force;
- Review water quality data and inspect sites;
- Develop pollution prevention options;
- Conduct a feasibility analysis of selected options; and
- Promote implementation of pollution prevention techniques.

B. To prevent the introduction of pollutants into the POTW that will interfere with its operation.

C. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW.

D. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.

F. To enable the Town to comply with its Maine Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or State law to which the POTW is subject.

This Ordinance shall apply to all Users of the POTW. The Ordinance authorizes the issuance of industrial discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except, as otherwise provided herein, the Superintendent, at the direction of the Selectmen, shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other Town personnel.

1.3 Abbreviations

The following abbreviations, when used in this Ordinance, shall have the following designated meanings:

- BOD - Biochemical Oxygen Demand
- BMP - Best Management Practice
- BMR - Baseline Monitoring Report
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- CIU- categorical Industrial User
- EPA - United States Environmental Protection Agency
- gpd - Gallons per day
- IDP - Industrial Discharge Permit
- IU - Industrial User
- mg/l - Milligrams per liter
- Maine DEP (DEP) - Maine Department of Environmental Protection
- MEPDES - Maine Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SNC - Significant Noncompliance

- TDS - Total Dissolved Solids
- TSS - Total Suspended Solids
- USC - United States Code

1.4 Definitions

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

- A. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- B. Approval Authority. State of Maine DEP or their duly appointed agent.
- C. Authorized or Duly Authorized Representative of the User.
1. If the User is a corporation: The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure longterm environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 3. If the User is a partnership or sole proprietorship: A general partner or proprietor, respectively.
 4. If the User is a Federal, State, or local governmental facility: A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
 5. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.
- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the

prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

F. **Building Drain.** That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

G. **Building Sewer.** The pipe from the building drain to the public sewer, including the connection to the sewer main, also called the house or service connection.

H. **Bypass.** The intentional diversion of waste streams from any portion of a wastewater treatment facility.

I. **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

J. **Categorical Industrial User.** An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

K. **Chemical Oxygen Demand or COD.** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water

L. **Combined Sewer.** A sewer intended to receive both wastewater and storm or surface water.

M. **Commercial Use.** Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.

N. **Commissioner.** The Commissioner of the Maine Department of Environmental Protection or the commissioner's duly appointed agent.

O. **Compatible Pollutant.** Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.

P. **Control Authority.** The term Control Authority as used in this Ordinance, refers to the Town of Jay Publicly Owned Treatment Works.

Q. **Daily Maximum.** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

R. **Daily Maximum Limit.** The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum

Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

S. Domestic Wastewater or Sewage. Normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water. (See also: Industrial Wastes.)

T. Easement. An acquired legal right for the specific use of land owned by others.

U. Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of said agency.

V. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

W. Floatable Oil. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

X. Force Main. A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.

Y. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Z. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

AA. Grease. The material removed from a grease interceptor (trap) serving a restaurant or other facility which requires such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.

AB. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and who are licensed by the Maine DEP.

AC. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition; (provided, however, that these terms shall not include refuse as defined by Maine DEP SWMR Chapter 400).

AD. Incompatible Pollutant. Any pollutant that is not a compatible pollutant.

AE. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

AF. Industrial Discharge Permit. The written permit between the Town and an Industrial User that outlines the conditions under which the wastewater discharge to the POTW will be accepted.

AG. Industrial User. A person who discharges industrial wastewater to the POTW of the Town.

AH. Industrial Wastes or Non-Domestic Wastewater. The wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water.

AI. Instantaneous Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

AJ. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the Town's MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.

AK. Jay Planning Board. The Planning Board of the Town of Jay.

AL. Jay Water Permit. A wastewater discharge permit issued by the Jay Planning Board.

AM. Local Limits. Specific numerical discharge limits developed and enforced by the Town upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b). These limits are distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.

AN. May. Means permissive.

AO. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, and dialysis wastes.

AP. Maine Pollutant Discharge Elimination System Permit or MEPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

AQ. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

AR. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

AS. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.

AT. New Source.

1. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed Pretreatment Standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1.a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

1.b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

1.c. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.

2. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

2.a. Begun, or caused to begin, as part of a continuous on-site construction program

(2.a.1) Any placement, assembly, or installation of facilities or equipment; or

(2.a.2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2.b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

3. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure,

facility, or installation meeting the criteria of Section 1.b or 1.c above but otherwise alters, replaces, or adds to existing process or production equipment.

AU. Normal Domestic Wastewater. Wastewater generated by residential Users containing not more than 200 mg/1 BOD and not more than 250 mg/1 suspended solids.

AV. Non-Contact Cooling Water. Water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.

AW. Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's MPDES or Jay Water Permit, including an increase in the magnitude or duration of a violation.

AX. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.

AY. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.

AZ. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

BA. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior to recycling, treatment or disposal. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.

BB. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

BC. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

BD. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

BE. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as identified in Section 2.3 of this Ordinance.

BF. Properly Shredded Garbage. Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

BG. Public Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.

BH. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a wastewater treatment facility. A building sewer is not part of the POTW. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, Users of the Town's POTW.

BI. Recreational Vehicle or "RV". A mobile vehicle or trailer used for temporary living e.g. a camper or wholly self-contained transport and living unit.

BJ. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

BK. Screening Level. That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant, or would adversely impact the process or structures of the POTW. To be administered as Local Limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.

BL. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.

BM. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, cesspools or other holding tanks, that have received only domestic wastewater.

BN. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the Maine Department of Environmental Protection.

BO. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

BP. Sewer. A pipe or conduit that carries wastewater, storm water, groundwater, subsurface water, or unpolluted water from any source.

BQ. Shall. Means mandatory.

BR. Significant Industrial User (SIU).

Except as provided in paragraphs 3 and 4 of this definition, a Significant Industrial User is:

1. An Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or
2. An Industrial User that:
 - 2.a. Discharges an average of twentyfive thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - 2.b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - 2.c. Is designated as such by the Town of Jay on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.
3. Upon a finding that a User meeting the criteria in Subsection 2 of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

BS. Significant Noncompliance or SNC. An Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a 6 month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
2. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. For pH monitoring, excursions shall be considered SNC when:

- 3.a. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or
 - 3.b. An individual excursion from the range of pH values exceeds 60 minutes; or
 - 3.c. An excursion occurs that the Town believes has caused, alone or in combination with other discharges, interference or pass-through; or has endangered the health of the sewage treatment personnel or the general public; or
 - 3.d. Any pH less than or equal to 2.0 or greater than or equal to 12.5.
4. Any other discharge violation (including but not limited to Daily Maximum, longterm average, Instantaneous Limit, or narrative standard) that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 5. Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
 6. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or Enforcement Order for starting construction, completing construction, or attaining final compliance;
 7. Failure to provide within forty five (45) days after the due date, any required reports, including baseline monitoring reports, Industrial Discharge Permit applications, reports on compliance with categorical Pretreatment Standard deadlines periodic self-monitoring reports, and reports on compliance with compliance schedules;
 8. Failure to accurately report noncompliance; or
 9. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

BT. Slug Load or Slug Discharge. Means:

1. Any Discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions;
2. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.3 of this Ordinance; or
3. Any discharge that may adversely affect the collection system and/or performance of the POTW.

BU. Source Reduction. Any practice that:

1. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
2. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.
3. The term includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "source reduction" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.

BV. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

BW. State. The State of Maine.

BX. Storm Drain or Storm Sewer. A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

BY. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

BZ. Superintendent. The person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.

CA. Suspended Solids or Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

CB. Town. The Town of Jay, Maine

CC. Treatment Plant or Treatment Facility. Any device or system used in the storage, treatment, equalization, recycling or reclamation of municipal wastewater, industrial wastewater and/or wastewater sludges as defined herein.

CD. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the POTW.

CE. User or Industrial User. A source of pollutants introduced into the POTW from any domestic or non- domestic source regulated under Section 307 (b), (c), or (d) of the Act.

CF. Wastewater. Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

CG. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

1.5 Reference Codes

Various sections of the Ordinance refer to statutes, regulations and guidelines administered by the United States Environmental Protection Agency, the Maine Department of Environmental Protection, and agencies of the State of Maine. The Ordinance adopts these provisions as its own.

A copy of the codes incorporated by reference may be found by contacting the Superintendent.

The codes incorporated by reference may be amended from time to time by state or federal government. In the event such codes are amended by state or federal government, the reference code shall be deemed automatically amended as of the effective date thereof and are enforceable under this Ordinance as amended, unless doing so would clearly and directly conflict with another provision of this Ordinance. Any person aware of a conflict is encouraged to contact the Superintendent.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Use of Public Sewers

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Jay or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with local, State and Federal laws and regulations.

C. Sewers For Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.

D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable Federal, State and local permits have been obtained.

E. Use of Sanitary Sewers. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water.

F. Use of Storm Sewers. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approved by the Town. An MEPDES permit is required prior to discharging industrial cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.

G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Town will consider the pertinent facts and make a determination. Said determination will be final and binding.

H. Connection to Sewer. The owner(s) of all houses or buildings used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way where a public sanitary sewer of the Town is now available or becomes available shall:

1. Install suitable toilet facilities therein if used for occupancy or employment;
2. Connect toilet facilities directly with the proper public sewer in accordance with applicable provisions of this Ordinance;

3. Make such connection at the owner(s)' sole expense;
4. Complete such connection within ninety (90) days after receipt of written notice to do so unless a written waiver of this time period is granted by the Superintendent for good cause shown. A waiver shall be accompanied by a new date for compliance; and
5. Cease use of any existing septic tanks, cesspools, and other method for the disposal of waste water and clean such facilities and fill them with clean mineral soils to the satisfaction of the Superintendent.

No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is now available or becomes available. Owner(s) otherwise subject to this paragraph may be exempted pursuant to Paragraph I, below.

I. Exemption from Connection Requirement. The following owner(s) otherwise subject to Paragraph H are exempt:

1. Owner(s) of houses or buildings located more than three hundred (300) feet from the public sanitary sewer of the Town. If any part of a house or building is located within three hundred (300) feet from the public sanitary sewer of the Town the Owner(s) are subject to Paragraph H, above;
2. Owner(s) of houses or buildings already connected to a properly functioning State-approved septic system installed prior to the effective date of this Ordinance. If the plumbing inspector determines that the system is no longer a properly functioning system, the Owner(s) are no longer exempt and must comply with Paragraph H, above, unless otherwise exempt under Paragraphs I(1) or (3); and
3. Owner(s) granted a waiver by the Superintendent. The Superintendent may grant a waiver or an extension of time within which to connect to the public sanitary sewer of the Town upon a showing of unusual site conditions or an undue hardship, and that the present or proposed alternative disposal system is adequate. A waiver may be granted to the applicant for a fixed period of time at the discretion of the Superintendent. The applicant may appeal a final waiver determination by the Superintendent under this Section in accordance with Section 14.2 of this Ordinance.

Owners exempt from Paragraph H shall operate and maintain their private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

J. No statement contained in the preceding paragraphs of this Section shall be construed to interfere with any additional requirements that may be imposed by the Plumbing Inspector.

K. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.

2.2 Building Sewers and Connections

A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Superintendent or his representative.

B. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service producing only domestic wastewater, and (2) for service to establishments producing industrial wastes. For residential and commercial services, the owner(s) or his agent shall make application on a special form furnished by the Town (see Exhibit B) at least five (5) business days prior to said service connection. For an establishment discharging industrial wastes, the application shall be made at least thirty (30) days prior to said service connection. The permit application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the Superintendent. A permit and inspection fee of one hundred dollars (\$100.00) for a residential building sewer permit and two hundred dollars (\$200.00) for a multi-unit residential, commercial, or industrial building sewer permit shall be paid to the Town at the time the application is filed.

C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

D.1. The owner of two abutting existing structures may connect together in one building sewer provided one building sewer is already connected to the public sewer. The owner shall file in the Registry of Deeds an agreement signed by the Town and the owner with reference to deeds, that the two structures share a building sewer and that the Town is not responsible for maintenance of the building sewer. The Superintendent shall determine if the building sewer size is sufficient to carry the wastewater.

E. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this Ordinance. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.

F. During construction of a new sanitary sewer, or replacement of an existing sewer, the Town may construct the service connections for existing buildings to the curb or the property line or the edge of a right-of-way. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Town, its officers, and agents from all loss or damage that may result, directly or indirectly, due to the construction of a building sewer on his premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance, and of reconstruction, if needed of the building sewer and service connection.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.

H. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, area- way drains, or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

I. No person shall obstruct the free flow of wastewater in any main or service connection.

J. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. FD-5. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

K. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 48 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto.

L. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.

M. No building sewer shall be covered until it has been inspected and approved by the Superintendent. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.

N. The Superintendent shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so

discharge. All persons concerned shall assist the Superintendent in securing the data needed for such records.

O. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.

P. Proposed new discharges from residential or commercial sources involving loadings exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics of existing industrial wastes that are being discharged into the POTW must be approved by the DEP. Such approvals from DEP shall be submitted to the Town. Existing users shall report changed conditions and obtain Town approval in accordance with the requirements of Section 6.5 of this Ordinance regardless of whether the wastewater source is residential, commercial or industrial.

Q. The use of backflow preventers is required not later than six (6) months after the effective date of this Ordinance and is encouraged immediately. The Town will not be responsible at any time for the backup of wastewater into homes or businesses without backflow preventers (or with faulty backflow preventers), or for any damages that may be caused as a result. A written exemption or extension of the deadline for compliance with this requirement may be granted by the Superintendent provided the relevant Owner(s) execute an indemnification and hold harmless agreement in a form acceptable to the Town and upon a showing of good cause. A determination as to whether to grant an exemption or extension may be appealed pursuant to Section 14.2 of this Ordinance.

2.3 Prohibited Discharge Standards

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

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other federal, State, or local Pretreatment Standards or requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

2. Wastewater having a pH less than 5.0 or greater than 11.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with acidity or alkalinity in such quantities that the pH of the influent to the POTW is caused to drop below 6.5 or exceed 8.0;
3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between 32° F and 150° F (0° C to 65° C), in amounts that will cause obstruction of the flow in the POTW resulting in Interference;
4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause Interference with the POTW;
5. Wastewater having a temperature greater than 90° F (32° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 80° F (27° C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Sections 3.5 and 4.8 of this Ordinance;
9. Medical wastes, except as specifically authorized in a wastewater discharge permit;
10. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test;
11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, mercury or other heavy metals, anti-freeze, transmission and brake fluids, motor oil and battery acid; and
12. Nutrients in excessive amounts, as determined by the Superintendent.

C. Additional Prohibitions. No User shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Superintendent in a wastewater discharge permit:

1. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

2. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
3. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater (the Town may assess an appropriate additional fee for the discharge of unpolluted water);
4. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
5. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
6. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point within the POTW, of more than 10 percent CH₄ of the Lower Explosive Limit of the meter;
7. Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);
8. Any quantities of flow, concentrations, or both that constitute a "Slug or Slug Discharge" as defined in Section 1.4 of this Ordinance;
9. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes;
or
10. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2.4 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471 and are hereby incorporated into the Ordinance.

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limitations in accordance with 40 CFR 403.6(c).

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users in accordance with 40 CFR 403.6(c)(2).

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

D. A User may obtain a variance from a categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical Pretreatment Standard.

E. A User may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15 as follows:

1. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Town. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph 2 are met.

2. Criteria.

- a. Either (1) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (2) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

- b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

- c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

- d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Town may waive this requirement if it finds that no environmental degradation will result.

F. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the

discretion of the Superintendent. The Town may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 1.a through 1.e below.

1. To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- e. Have consistently complied with all applicable categorical Pretreatment Standards during the three-year period prior to the Industrial User's request for equivalent mass limits.

2. An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph F.1.c. above. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs F.1.a. above so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the Superintendent:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.8.

G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

J. The Town shall be the Control Authority for Industrial Users subject to categorical Pretreatment Standards. The Industrial Users are responsible to the Town for compliance with categorical Pretreatment Standards and the requirements of 40 CFR Part 403. Categorical Industrial Users shall provide the Town with copies of any reports to, or correspondence with EPA and/or the State relative to compliance with the categorical Pretreatment Standards.

K. The Industrial User is responsible for determining the applicability of categorical Pretreatment Standards. The User may request that the Town, EPA and/or the State provide written certification on whether the User is subject to the requirements of a particular category.

L. The Town shall provide timely notification to appropriate Industrial Users of applicable categorical Pretreatment Standards. Upon promulgation of the federal categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall,

on the compliance date of the categorical Pretreatment Standards, immediately supersede the limitations imposed under this Ordinance.

M. Compliance with categorical Pretreatment Standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance schedule is specified in the standards.

N. An Industrial User subject to categorical Pretreatment Standards shall not discharge wastewater directly or indirectly to the Town's POTW subsequent to the compliance date of such standards unless an amendment to its Industrial Discharge Permit has been issued by the Town.

2.5 State Pretreatment Standards

Users must comply with State Pretreatment Standards codified at 06-096 CMR Chapter 528 Pretreatment Program.

2.6 Local Discharge Restrictions

All persons discharging industrial process wastes into public or private sewers connected to the Town's POTW shall comply with applicable local requirements, Federal requirements and State standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of this Ordinance.

Local numerical discharge limitations established by the Town as set forth herein (referred to as "Local Limits"), and all State Pretreatment Standards and categorical Pretreatment Standards shall apply, whichever is most stringent.

In developing the list of pollutants of concern for which local limits are established, the Town has considered the allowable headworks loading at the wastewater treatment facility. Pollutants that exceed fifty percent (50%) of their allowable headworks loading at the Town of Jay wastewater treatment facility are considered to be of concern and have resulted in development of local limits. Pollutants that exceed twenty percent (20%) of their allowable headworks loading at the wastewater treatment facility are targeted for mandatory pollution prevention action.

If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.3, 2.4, and 2.5 of this Ordinance, which in the judgment of the Superintendent may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Superintendent may:

- Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;
- Require pretreatment prior to discharge to the POTW (Section 3.0);
- Require control (e.g., equalization) over the quantities and rates of discharge; and/or

- Require payment to cover additional cost of handling and treating the wastes.

If the Superintendent allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Superintendent and the State (see Section 3).

A. Local Limits. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing the following pollutants constituents at daily average, daily maximum and monthly average concentrations limits and/or equivalent mass loadings greater than the applicable Numerical Limit established for each duration.

POLLUTANT CONCENTRATION LIMIT (mg/l)	POLLUTANT CONCENTRATION LIMIT (mg/l)
BOD ₅	TSS
Ammonia	Total Nitrogen
Oil and/or grease ¹	Total phenols
Arsenic	Mercury
Cadmium	Molybdenum
Chromium	Nickel
Copper	Selenium
Cyanide	Silver
Lead	Zinc

1. Limit should be defined as polar, nonpolar or total oil.

1. Numerical pollutant loading limitations are established to protect against Pass Through and Interference and are based on the Maximum Allowable POTW Headworks Loadings Limitations.

The Superintendent shall calculate and administer daily and monthly concentration limits and/or equivalent mass limits (i.e., local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedances of these limitations. For industrial discharge applications, site specific local limits for above applicable pollutants shall apply at the end of the process train prior to dilution with non-industrial wastewaters and prior to discharge into the municipal collection system.

Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow composited sample (or other sampling procedure approved by the Superintendent) representative of the discharge over the duration of a 24 hour day or industrial operating schedule of less than 24 hours.

All concentration limits for metals represent "total" metal unless indicated otherwise. The Superintendent may impose equivalent mass limitations in addition to concentration based limitations.

Local limits are developed based on the identification of Industrial Users known to be discharging each pollutant (industrial contributory flow procedure). Unless specifically identified in an Industrial Discharge Permit, an Industrial User shall not discharge the locally limited pollutants at concentrations 20 percent greater than the background concentrations used for local limits development.

Pollution prevention activities that result in a decreased discharge of these pollutants to the POTW, such that the headworks loading of a pollutant is less than forty percent (40%) of the allowable loading, may result, at the discretion of the Superintendent, in rescission of a local limit for that pollutant (from this Ordinance).

B. Pollution Prevention Action. Pollutants for which pollution prevention efforts are required of all significant Industrial Users and other industrial and non-Industrial Users at the discretion of the Superintendent include:

The Town will develop site specific pollutant list for each significant Industrial User and other applicable industrial and non-Industrial Users.

Failure to control these pollutants through pollution prevention activities will result in development and application of a local limit when a pollutant loading to the POTW exceeds fifty percent (50%) of the allowable headworks loading.

C. Screening Levels. The following pollutants from significant Industrial Users and other industrial and non-Industrial Users shall not be discharged to the POTW in excess of the concentrations listed below without approval of the Superintendent:

The Town will develop site specific pollutant concentration list for each significant Industrial User and other applicable industrial and non-Industrial Users.

Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce adverse impacts due to flammability, chemical reactivity, organic/solids loadings, toxicity, or worker health and safety.

If any of the screening levels are exceeded, repeat analysis must be performed to verify compliance or noncompliance with that screening level. If noncompliance is confirmed, then the Significant Industrial Users and other industrial and non-Industrial Users may be required, at the discretion of the Superintendent, to conduct an appropriate engineering evaluation to determine the potential impact of the discharge of this pollutant to the Town's POTW or alternatively, to develop a pollution prevention plan specifically addressing the pollutant that

exceeds the screening level. This study or plan must be conducted under the supervision and approval of the Town. Should the evaluation indicate the impact to be unsatisfactory, the significant Industrial Users and other industrial and non-Industrial Users shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level shall be adjusted and administered as a limit for the specific discharge.

D. Special Agreements. No statement contained in this Section except for paragraphs 2.3.A, 2.3.B.8, and 2.4 shall be construed as preventing any special agreement or arrangement between the Town and any User, industrial or otherwise whereby a wastewater of unusual strength or character may be accepted by the Town for treatment provided that said agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with any User charge system in effect, and do not waive applicable federal categorical Pretreatment Standards. Special agreement requests shall require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested. For pollutants with numerical local limits, the Town has allocated a percentage of its allowable industrial loadings for such special agreements. Requests for special agreements that exceed this allocation will not be approved.

E. The Superintendent may develop Best Management Practices (BMPs) to implement Local Limits and the requirements of Section 2.3.

2.7 Town's Right of Revision

The Town reserves the right to establish by Ordinance or industrial discharge Permit more stringent Standards or requirements on discharges to the POTW consistent with the purpose of this Ordinance and as outlined below.

The discharge standards and requirements set forth in Sections 2.3, 2.4, 2.5, and 2.6 are established for the purpose of preventing discharges to the POTW that would harm the sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Superintendent may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.3, 2.4, 2.5, and 2.6 if, in the Superintendent's opinion, such more stringent standards or requirements are necessary. In forming this opinion, the Superintendent may give consideration to such factors as the quantity of wastewater in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, flow and process capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Superintendent.

The Superintendent shall allow affected Industrial Users reasonable time to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

2.8 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or requirements or, in other cases when the imposition of mass limitations is appropriate.

2.9 Mass Based Limitations

Users implementing process changes may request that site specific local limit compliance be determined based on mass limitations in lieu of concentration limitations. Such mass based local limits will be calculated from the permitted concentration based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in its discharge even though the total mass of the pollutant discharged does not increase, and may in fact decrease. Decisions on granting requests for mass based local limit compliance will be based on User specific information and current operating conditions of the POTW, and will be at the discretion of the Superintendent. Implementation of mass based limitations may not contravene any requirements of local requirements or Federal or State laws and/or regulations implemented thereunder, and may not waive applicable categorical Pretreatment Standards.

2.10 Assessment of Sewer Fees

A minimum annual sewer use fee, the quantity of cubic feet included in the minimum annual use fee and the cost per cubic foot of usage over the minimum use quantity (collectively referred to as the “sewer rates”) will be set annually by the Selectboard. Once all of the water meter readings have been received and processed by the Town staff (typically in April or May of each year) the Selectboard shall hold a public hearing to set the sewer rate for the next billing cycle.

The sewer rate is assessed according to the number of water meters read by the Water District for the building served by town sewer. Customers that remove a water meter for the purpose of avoiding a sewer fee assessment will be assessed the minimum fee as if the meter were in place. Properties that have a single building with more than one meter may reduce the number of meters to avoid the number of minimum fees assessed to the building.

2.11 Sewer Use Billing

The winter quarter months water meter readings will be used for sewer billing purposes. By using the winter quarter water readings, the water typically used for gardening, vehicle washing, etc., that does not enter the Town sewer system, is not included in the sewer billing calculations. The Town will obtain the winter quarter water usage quantities for each customer and multiply the quantity used by four (4) to arrive at an annual usage for billing purposes. Because this method of

determining water usage may not be an equitable means of assessing sewer fees for all, customers may notify the Town of Jay if they believe they may qualify for one of the sewer billing “Special Circumstances” outlined in “Exhibit A” of the Sewer Use Ordinance. Such notification should be presented to the Town before May 1st of each year. Once notification is timely received and determined by the Town staff to be justified, the Town will calculate the annual sewer fee accordingly. If the Town is already aware of a customer’s “Special Circumstance”, Town staff may refer to Exhibit A for guidance in assessing the appropriate sewer fee. If a customer believes that they have a water usage scenario that is not covered by the special circumstances listed in Exhibit A, they may request the Selectboard to allow/accept their water usage circumstance and determine an equitable sewer fee at a regular meeting of the Selectboard. As a matter of continuity, if the Selectboard allows/accepts a new special circumstance, the new circumstance will be added to, and made part of, the Special Circumstances in Exhibit A so that, as similar instances arise in the future, they will be dealt with in the same manner.

Exhibit A of the Sewer Use Ordinance shall be considered a separate administrative policy and not part of the Sewer Use Ordinance requiring acceptance at Town Meeting. Exhibit A may be amended by a majority vote of the Town of Jay Selectboard. The intent of Exhibit A is to provide guidance to Town staff in determining appropriate sewer fees for customers with unique water usage scenarios.

2.12 Sewer Fee Abatements

If an error or mistake is made in the assessment of sewer fees, or if a correction in billing circumstance is warranted, or if the winter quarter water usage is more than 20% higher than the average of the previous 3 quarters’ usage, the Selectboard may act either upon a written application filed within 185 days from commitment stating the grounds for an abatement or on the initiative of the town staff within one year from commitment. The Selectboard may make such reasonable abatements as they consider proper to correct any illegality, error or irregularity in the assessment of sewer fees according to the Assessment of Sewer Fees and Sewer Use Billing outlined in Sections 2.10 and 2.11 above. For an abatement to be approved, a majority vote of the Selectboard at an official meeting of the Selectboard is required.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical Pretreatment Standards, local limits, prohibitions, and requirements set out in Sections 2.3, 2.4, 2.5, and 2.6 of this Ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent and the

DEP before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary.

B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the opinion of the Superintendent, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of a type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense. The User shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Superintendent. Any removal and hauling of the collected materials shall be performed by licensed waste disposal firms.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved and calibrated combustible gas detection meter and alarm. The User shall be responsible for the proper calibration and operation and shall maintain calibration and test records, which shall be subject to periodic review by the Superintendent.

E. Where pretreatment or flow equalizing facilities are provided or required for any wastewaters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the User at their expense. Such facilities shall be maintained, operated, inspected and repaired regularly, as needed, by the User at their expense. The User shall be responsible for the proper removal and disposal by appropriate means of the sludge materials that may buildup and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the Superintendent. Any removal and hauling of the collected sludge materials shall be performed by currently licensed waste disposal firms.

3.3 Slug Discharge Management Plan

The Superintendent shall evaluate whether each significant Industrial User needs a Slug Discharge Management Plan or other action to control Slug Discharges. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other

action that may be necessary to control Slug Discharges. Alternatively, the Superintendent may develop such a plan for any User.

A Slug Discharge Management Plan must include sufficient general information to enable the POTW to: categorize and restrict the significant Industrial User potential for a slug discharge; and respond promptly and effectively in an emergency. In general, a Slug Discharge Management Plan shall address, at a minimum the following:

- A. General information - significant Industrial User name, address, contact person, a brief description of the significant Industrial User and applicable Pretreatment Standards;
- B. Facility Layout Flow (process, material loading/unloading areas, sanitary sewer, stormwater systems, etc) Diagrams, process description(s) and flows and loads;
- C. Description of process discharge practices, including non-routine batch discharges;
- D. Description of stored chemicals and wastes and material inventory;
- E. Spill and leak prevention equipment and procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, etc;
- F. Measures and equipment for emergency response and procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 6.6 of this Ordinance;
- G. Slug reporting procedures and a description of previous slugs and corrective actions; and
- H. Worker Training Program.

3.4 Pollution Prevention Plan

In accordance with the provisions of Sections 2.6.B and 9.3 of this Ordinance, the Superintendent may require any User discharging wastes into the POTW to develop and implement, at that User's own expense, a pollution prevention plan. The Superintendent may require Users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.

C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.

D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:

1. Reduced raw material purchases;
2. Avoidance of waste treatment, monitoring and disposal costs;
3. Reductions in operations and maintenance expenses;
4. Elimination of permitting fees and compliance costs; and
5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites,

E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should be solicited and exchanged, both from inside the organization and out.

F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.

The review and approval of such pollution prevention plans by the Town shall in no way relieve the User from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the Town in accordance with the provisions of this Ordinance.

3.5 Hauled Wastewater

A. Wastewater and Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 2.3 of this Ordinance or any other requirements established by the Town. The discharge license for the North Jay POTW prohibits the acceptance of hauled wastewater.

B. The Superintendent may prohibit the disposal of hauled industrial wastewater. The discharge of hauled industrial wastewater, if allowed, is subject to all other requirements of this Ordinance.

C. No load may be discharged without prior consent of the Superintendent or his representative. The Superintendent or his representative may collect samples of each hauled

load to ensure compliance with applicable Standards. The Superintendent or his representative may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Waste haulers must provide a wastetracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, applicable permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents.

SECTION 4 - INDUSTRIAL AND GENERAL DISCHARGE PERMIT APPLICATION

4.1 Wastewater Characterization

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Industrial Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Superintendent, except that a significant Industrial User that has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.

B. The Superintendent may require other Users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purposes of this Ordinance.

C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance and shall subject the Industrial Discharge Permittee to the enforcement actions set out in Sections 9 through 11 of this Ordinance. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all federal and State Pretreatment Standards or requirements or with any other requirements of federal, State, and local law.

4.3 Industrial Discharge Permitting: Existing Connections

Any User required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Superintendent for an Industrial Discharge Permit in accordance with Section 4.6 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an Industrial Discharge Permit issued by the Superintendent.

4.4 Industrial Discharge Permitting: New Connections

Any User required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW shall obtain an Industrial Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Industrial Discharge Permit, in accordance with Section 4.6 of this Ordinance, shall be filed at least ninety (90) days prior to the date upon which any discharge may begin or recommence.

4.5 Industrial Discharge Permitting: Categorical Standards

Within 120 days subsequent to the effective date of a Categorical Pretreatment Standard, an Industrial User subject to such standards shall submit an application for an Industrial Discharge Permit amendment. The application shall contain the information noted under Section 4.6.

4.6 Industrial Discharge Permit Application Content

All Users required to obtain an Industrial Discharge Permit, and other Users subject to these rules, as required by the Superintendent, shall submit a permit application. The Superintendent may require all Users to complete and submit a permit application consisting of the following information:

- A. All information required by Section 6.1.B of this Ordinance and as outlined below.
- B. Identifying Information;
 - 1. The name and address of the facility, including the name of the operator and owner.
 - 2. Contact information, description of activities, facilities, and plant production processes on the premises.
- C. Environmental Permits. A list of any environmental control permits issued under any law or rule implemented by local ordinance, EPA or DEP that are held or are required by law to be held by or for the facility;
- D. Description of Operations and Activities;
 - 1. Description of activities, facilities and production processes on the premises. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - 2. The estimated average, maximum and total daily flow for each discharge and the time and duration of discharge.
 - 3. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
 - 4. Number and type of employees, hours of operation, and proposed or actual hours of operation.
 - 5. Type and amount of raw materials processed (average and maximum per day).

6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

E. Time and duration of discharges;

F. The location for monitoring all wastes covered by the permit;

G. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e);

H. Measurement of Pollutants;

1. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.

3. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.12 of this ordinance. Where the Standard requires compliance with BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.

5. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.

I. Copies of existing pollution prevention plans and/or a description of all known pollution prevention opportunities that may exist at the facility;

J. Notification to the Superintendent of any proposed or existing discharge of listed or characteristic hazardous waste as required by 40 CFR 403.12(p);

K. In those instances in which the Industrial User provides notification of the discharge of hazardous waste, the Industrial User shall also provide the following certification: "I certify that (the company) has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree (the company) has determined to be economically practicable";

L. An indication of whether the conditions referenced in the application are existing or proposed; and

M. Any other information as may be deemed necessary by the Superintendent to evaluate the Industrial Discharge Permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.7 Signatories and Certification

A. All Industrial Discharge Permit applications, User reports and certification statements shall be signed by an authorized representative of the User and contain the certification statement in Section 6.15.A.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.

4.8 Hauled Wastewater Permits

Wastewater and septic tank waste may be introduced into the POTW only at locations designated by the Superintendent or his representative, and at such times as are established by the Superintendent or his representative. Transport and discharge of such waste shall comply with Section 2.3.B.8 and 3.5 of this Ordinance.

SECTION 5 - INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Industrial Discharge Permit Decisions

The Superintendent will evaluate the data provided by the Industrial User and may require additional information. Within ninety (90) days of receipt of a complete Industrial Discharge Permit application, the Superintendent will determine whether or not to issue an Industrial Discharge Permit. The Superintendent may deny any application for an Industrial Discharge Permit, with just cause.

5.2 Industrial Discharge Permit Duration

An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Industrial Discharge Permit may be issued for a period less than these intervals at the discretion of the Superintendent. Each Industrial Discharge Permit will indicate a specific date upon which it will expire.

Industrial Discharge Permits shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 5.6 of this Ordinance. All Industrial Discharge Permits issued to a particular User are void upon the issuance of a new Industrial Discharge Permit to that User.

5.3 Industrial Discharge Permit Contents

An Industrial Discharge Permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial Discharge Permits shall contain:

1. A statement that indicates Industrial Discharge Permit issuance date, expiration date, effective date, and duration, which in no event shall exceed five (5) years;
2. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the Town in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;
3. Effluent limitations, including Best Management Practices, based on applicable general and categorical Pretreatment Standards, local limits and State and local requirements;
4. Self monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports and pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on the applicable general pretreatment standards, local limits, this Ordinance, and State and Federal laws, rules and regulations;

5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4.B.
6. For Users with reporting requirements, such reports at a minimum shall require:
 - a. Periodic monitoring results indicating the nature and concentration and mass loading of pollutants in the discharge from the regulated processes governed by pretreatment requirements and the average and maximum daily flow for these process units;
 - b. A statement as to whether the applicable Pretreatment Standards and requirements are being met on a consistent basis and, if not, than what additional operation and maintenance practices and/or pretreatment systems are necessary; and
 - c. Submittal of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the Permit.
7. A description of identified pollution prevention opportunities at the facility;
8. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by this Ordinance, applicable State and federal laws, rules and regulations; and
9. Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

B. Industrial Discharge Permits may contain, but need not be limited to, the following conditions:

1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

7. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those that become effective during the term of the Industrial Discharge Permit; and

8. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this Ordinance.

C. The Permit identifies the specific responsibilities of the Industrial User and provides the Town a means to track and regulate Industrial User. The Town has developed the following minimum Permit items to serve this purpose and communicate the responsibilities of the Industrial User to each applicant:

1. Permittee name and location address.

2. Effective and expiration dates of Permit, not to exceed a 5year term and renewal requirement.

3. Location and numbering of discharge(s) points to POTW and identify effluent limitations and monitoring responsibilities for each.

4. Effluent limitations - categorical and/or local limits.

5. Discharge prohibitions - includes those from the Ordinance and specific prohibitions according to the user's process.

6. Monitoring and reporting requirements.

7. Notification of Clean Water Act requirements.

8. Notification to Town and/or POTW if:

- Any discharge occurs that could cause a problem to the POTW including Slug Discharges;
- Sampling denotes a violation;
- Volume or characteristic of discharge is to change;
- Hazardous waste in any amount is discharged to the POTW;
- Upset or unanticipated bypass occurs or anticipated bypass is expected;
- Any discharge causes or could cause danger to the public or environment; and
- Permitted facility or activity is to change.

9. Standard conditions and requirements include the following:

- Compliance with federal, State, and local regulations and the Permit (whichever is more stringent will apply);
- Use of approved methods only to meet self-monitoring requirements;

- Data retention, a minimum of 3 years or longer if litigation occurs;
- Making any and all records required by Program available for inspection and copying by Town;
- Signature requirements for reporting and signatory page for authorized signatory;
- No dilution allowed to meet effluent requirements;
- Permitted user not exempt from requirements of other agencies and authorities;
- Pre-approval by Town and DEP for construction of facilities required for collection, treatment, or discharge of any pollutant;
- Maintenance in good working order and efficient operation of any facility necessary to meet Permit requirements;
- It is not a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the Permit;
- Taking all reasonable steps to minimize or prevent any discharge that could cause danger to the public, environment, or POTW;
- Disposal of solids, sludges, filter backwash, or other pollutants and hazardous wastes according to approved methods and in approved locations;
- Installation of facilities required for sampling and monitoring;
- Allowing inspection and monitoring by Town;
- No transfer or reassignment of Permit;
- Providing any information requested by Control Authority for evaluation of Permit, compliance or noncompliance status, or discharge characteristics;
- Any other conditions or requirements of the Permit, the Ordinance, or the Program that the Industrial User needs to know to achieve compliance; and
- Laboratory QA/QC reports to assure the accuracy of all data.

10. Notification of penalty for noncompliance.

11. Notification of penalty for falsification of information or tampering.

12. Expected date for compliance with effluent limitations.

5.4 Industrial Discharge Permit Appeals

Any person, including the User, may petition the Superintendent to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appellant User must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.

C. The conditions set forth within the Industrial Discharge Permit shall not be stayed pending the appeal.

D. If the Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

E. Aggrieved parties may appeal the conditions of the Industrial Discharge Permit in accordance with Section 14.2 of this Ordinance.

5.5 Industrial Discharge Permit Modification

The Superintendent may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;
- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of Industrial Discharge Permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the Industrial Discharge Permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the Industrial Discharge Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.6 of the Ordinance.

The User will be informed of any modifications in the Permit at least 30 days prior to the effective date of change and shall be allowed a reasonable time schedule for compliance, as determined by the Town.

5.6 Industrial Discharge Permit Transfer

Industrial Discharge Permits may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the Superintendent, and the Superintendent

approves the Industrial Discharge Permit transfer. The notice to the Superintendent shall include a written certification by the new owner or operator that:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing Industrial Discharge Permit.

Failure to provide advance notice of a transfer shall render the Industrial Discharge Permit void as of the date of facility transfer.

5.7 Industrial Discharge Permit Reissuance

A User with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with Section 4.6 of this Ordinance, a minimum of one hundred and eight (180) days prior to the expiration of the User's existing Industrial Discharge Permit. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired permit will continue to be effective and enforceable until the permit is reissued if:

- A. The Industrial User has submitted a complete permit application at least one hundred and eighty (180) days prior to the expiration date of the User's existing permit; and
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the Industrial User.

5.8 Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following minimum information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
3. Such other information as the Superintendent may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance that is at least as stringent as this Ordinance, and local limits including required Baseline Monitoring Reports (Section 6.1) which are at least as stringent as those set out in Section 2.6 of this Ordinance to ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Ordinance and local limits shall be revised as necessary to reflect changes made to the Town's Ordinance or revisions to the loadings allocated to the contributing municipality;
2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
3. A provision specifying which pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;
4. A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limitations on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Superintendent's access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
8. A provision specifying remedies available for breach of the terms contained within the agreement.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days subsequent to the effective date of either a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6.a(4), whichever is later, existing categorical Users currently discharging to, or scheduled to discharge to the POTW, shall submit to the Superintendent a report that contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become categorical Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report that contains the information listed in paragraph B, below. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:

1. All information required in Section 4.7.A and 4.7.B;
2. Measurement of Pollutants;
 - a. The User shall provide the information required in Section 4.7.A and 4.7.B;
 - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6.e to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6.e this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d. Sampling and analysis shall be performed in accordance with Section 6.11 and 6.12;
 - e. The Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

3. Compliance Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether the applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment systems are required to attain consistent compliance with the Pretreatment Standards and requirements;

4. Compliance Schedule. If additional pretreatment and/or O&M is required to meet the Pretreatment Standards, the schedule by which the User will provide such additional pretreatment and/or O&M shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section shall meet the requirements specified in Section 6.2 of this Ordinance; and

5. Signature and Report Certification. All baseline monitoring reports shall be signed and certified in accordance with Section 6.15 of this Ordinance.

6.2 Compliance Schedules/Progress Reports

The following conditions shall apply to the compliance schedules required by Sections 6.1.B.4 and 9.2 of this Ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards, including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

B. No increment referred to in 6.2.A shall exceed three (3) months and total compliance schedule shall not exceed six (6) months;

C. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the User to return to the established schedule; and

D. In no event shall more than three (3) months elapse between such progress reports to the Superintendent.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and requirements shall submit to the Superintendent a report containing the information described in Sections 4.7.A, 4.7.B and 6.1.B.2 of this Ordinance. For Users subject to equivalent mass or concentration limitations established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other

Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with Section 6.15.A of this Ordinance. All sampling will be done in conformance with Section 6.12.

6.4 Periodic Compliance Reports

A. Except as specified in Section 6.4.C, all Significant Industrial Users shall, at a frequency determined by the Superintendent but in no case less than twice per year (June and December, or on dates specified), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.

B. The Town may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater;
2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit;
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least two 24-hour composite samplings of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The Superintendent will determine whether the samples shall be flow composites or load composites;
4. The request for a monitoring waiver must be signed in accordance with Section 1.4.C, and include the certification statement in 6.15.B;
5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis;

6. Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent for 3 years after expiration of the waiver;

7. Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement in Section 6.15.B below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User;

8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.4.A, or other more frequent monitoring requirements imposed by the Superintendent, and notify the Superintendent; and

9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard;

C. The Town may reduce the requirement for periodic compliance reports (see Section 6.4), to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA/DEP, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

1. The POTW's value for 0.01 percent of the POTW's design dry-weather hydraulic capacity of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches]

2. The POTW's value for 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and

3. The POTW's value for 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 2.6 of this Ordinance.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 1.4 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Superintendent, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 6.15.A of this Ordinance.

E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to maintain its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

F. If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Sections 6.11 and 6.12 of this Ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each Industrial User shall notify the Superintendent of any planned significant changes to the User's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

A. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application under Section 4 of this Ordinance.

B. The Superintendent may issue an Industrial Discharge Permit under Section 5 of this Ordinance or modify an existing Industrial Discharge Permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Slug/Potentially Adverse Discharges

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause adverse impacts to the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance.

C. A notice shall be permanently posted on the User's employee bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If the results of sampling performed by a User indicate a violation, the User shall notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days subsequent to becoming aware of the violation. The User is not required to resample if the Superintendent monitors at the User's facility at least once a month, or if the Superintendent samples between the User's initial sampling and when the User receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

A. In the case of any notification made under this section, the User shall certify that it has implemented a Pollution Prevention Plan as described in Section 3.4 of this Ordinance to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically and technologically practicable.

B. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal and State laws and local rules and regulations.

6.10 Pollution Prevention Reports

Permitted Industrial Users discharging pollutants on the "local limits" or "pollution prevention action" lists of Section 3.4 of this Ordinance, at concentrations greater than background levels, shall report annually on pollution prevention activities undertaken to reduce or minimize the generation of wastes containing these pollutants.

6.11 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA or DEP determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA or DEP.

6.12 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24hour flowproportional composite sampling techniques, unless timeproportional composite sampling or grab sampling is authorized by the Superintendent. Where timeproportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. A single grab sample may also be used in place of a composite sample with approval of the Superintendent when:

1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
2. Sampling a facility where a statistical relationship can be established between previous grab samples and composite data; and
3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90day compliance reports required in Section 6.1 and 6.3 (40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.13 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report by the person designated in the Industrial (or General) Discharge Permit shall govern.

6.14 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with Best Management Practices established under Section 2.6.E. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Town, or where the User has been specifically notified of a longer retention period by the Superintendent. Before destroying the records, the Industrial User shall request and receive permission from the Town.

6.15 Certification Statements

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver - The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1.B.5; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4.C:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. Certification of Pollutants Not Present - Users that have an approved monitoring waiver based on Section 6.4.B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A."

SECTION 7 - POWERS AND AUTHORITIES OF INSPECTORS

7.1 Compliance Monitoring

The Superintendent or his designee may investigate instances of noncompliance with any requirement of this Ordinance, Permit, or Order. The Superintendent may, as necessary, sample and analyze the wastewater discharges of contributing Users and conduct surveillance and inspection activities to identify, independently of information supplied by such Users, occasional and continuing noncompliance with any requirement of this Ordinance. Each User may be billed directly for costs incurred for analysis of its wastewater and other costs of sampling, analysis and investigation.

7.2 Right of Entry: Inspection and Sampling

All Users discharging to the Town's POTW shall allow access by duly authorized representatives of the Town, bearing proper credentials, ("Inspector(s)") for the purpose of determining whether the User is complying with any requirement of this Ordinance, and any Industrial Discharge Permit or Order issued hereunder. Users shall allow the Inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any duties required by this Ordinance.

A. If a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Inspector(s) shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. The Inspector(s) may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the User.

E. Unreasonable delays in allowing the Inspector(s) access to the User's premises shall be a violation of this Ordinance.

F. The Inspector(s) is authorized to obtain information concerning industrial and/or commercial processes that have a bearing on the kind or source of discharge to the public sewer. The Industrial and/or Commercial User may request that the information in question not-be disclosed to the public in accordance with Section 8 of this Ordinance. The information

in question shall be made available upon written request to governmental agencies for uses related to this Ordinance, the MEPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the User.

G. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the User. The User shall be held harmless for injury or death to the Inspector(s), and the Town shall indemnify the User against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the User and growing out of the monitoring activities, except as such may be caused by negligence or failure of the User to maintain safe conditions.

H. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

I. The Superintendent and other duly employees of the Town bearing proper credentials and identification shall inspect the premises of any consumer for leakage or other wastes of metered water upon the request of the consumer. Such a request may be required in writing by the Town. The Town shall not be held liable for any condition that may prevail or exist that is discovered by inspection of the Town.

7.3 Search Warrants

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or Order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the Franklin County District Court. The Superintendent may also require that the User stop discharging all wastewater until a search warrant is obtained.

SECTION 8 - CONFIDENTIAL INFORMATION/PUBLIC PARTICIPATION

8.1 Confidential Information

Information and data on a User obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the MEPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

8.2 Public Participation

The Town shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial Pretreatment Standards and requirements.

SECTION 9 - ADMINISTRATIVE ENFORCEMENT REMEDIES

9.1 Notification of Violation

When the Superintendent determines that a User has violated any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement, the Superintendent may serve initially an informal 24 hour notification by phone call. The Superintendent fills out the Telephone Discussion/Site Visit Report form (refer to Exhibit C) for every phone call, site visit or discussion that is related to pretreatment and puts documentation in User's file.

A. Initial Notification of Violation - Possible reasons for the violations are discussed with the User during the User's 24 hour notification phone call. The User is encouraged to investigate the violation. Changes in process, chemical usage, and sampling techniques are discussed with the user. The Town suggests possible changes in sample handling procedures and also may suggest splitting the retest between two laboratories. The Town might require splitting the sample collected for retest, with the cost borne by the User. If the Town has received proper notification, and a retest is submitted to the Town within 30 days, no further action is required on the Town's part.

B. Repeat Violations - During the 24 hour notification phone call, the Superintendent asks if an investigation of the violation was performed by the User, and what steps are being used to ensure no reoccurrence.

C. Repeat Paperwork Violations - The Town initiates a phone call and/or sends a written Notification of Violation as required. During the phone call, the Superintendent discusses the reasons for the violation, and the Town's next enforcement options.

When the Superintendent determines that a User has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement, the Superintendent will serve a written Notice of Violation (refer to Exhibit D) to the User on a standard form. Within the time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or subsequent to receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without initially issuing a Notice of Violation.

9.2 Compliance Schedule Development

The Superintendent may require any User that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this Section shall meet the requirements set out in Section 6.2 of this Ordinance. A compliance schedule pursuant to this section shall comply with the following conditions:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standard's including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

B. No increment referred to above shall exceed six (6) months;

C. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the User to return to the established schedule; and

D. In no event shall more than six (6) months elapse between such progress reports to the Superintendent.

9.3 Pollution Prevention Plan Development

The Superintendent may require any User that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, to develop a pollution prevention plan in accordance with Section 3.4 of this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Superintendent no later than sixty (60) days after the User was notified of this requirement.

9.4 Publication of Users in Significant Noncompliance

The Superintendent may publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

9.5 Show Cause Order (SCO)

The Town Manager may issue a Show Cause Order to a User that has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement. The SCO is an enforcement document that directs the Industrial User to undertake and/or cease specific activities by specified deadline. The SCO is the minimum level of enforcement used to address significant noncompliance.

A. The title of the SCO shall specify the type of Order being issued, to whom it is being issued, the purpose of the Order and be printed on Town of Jay letterhead.

B. Legal Authority - The SCO shall identify the authority under which the Order is issued.

C. Finding of Significant Noncompliance - All violations shall be described, including the date, the specific Permit or Ordinance provisions violated, and any damages attributable to the violation.

D. Ordered Activity - The SCO shall identify all ordered activities including installation of treatment technology, additional monitoring, appearance at a show cause hearing, termination of service, etc.

E. Dates for Corrective Actions - Where compliance schedules are used, all progress dates must be established including due dates for any required written reports.

F. Standard Clauses - Such as: Compliance with the terms and conditions of the SCO will not be construed to relieve the Industrial User of its obligation to comply with applicable Federal, State, or local law.

9.6 Show Cause Hearing Order

The Town Manager may issue via an Administrative Order a Show Cause Hearing Order to a User that has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement, to appear before the Town Officials and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action; and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the User.

9.7 Cease and Desist Order

When the Town Manager determines that a User has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or Order issued hereunder, or any other Pretreatment Standard or requirement, or that the User's past violations are likely to recur, the Town Manager may issue a Cease and Desist Order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Implement such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

9.8 Consent Orders

The Town is hereby empowered to enter into Consent Order(s), assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such Orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the Order. The Order(s) may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance including the installation of pretreatment systems, additional self-monitoring, and management practices. Such Orders shall have the same force and effect as Orders issued pursuant to Sections 9.5 and 9.6 of this Ordinance and shall be judicially enforceable.

9.9 Industrial Discharge Permit Termination

Any Industrial User who violates this Ordinance, terms and conditions of the wastewater discharge permit, Pretreatment Standard or requirement, Order, or any applicable State or Federal law, or the following conditions is subject to permit termination:

- A. Failure to notify and report to the Superintendent of significant changes in operations or wastewater constituents/characteristics within a reasonable time period prior to the changed discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying selfmonitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusal of reasonable access to the User's facility premises to the Superintendent to allow timely inspection, monitoring, sampling or record review;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete an Industrial Discharge permit application; or
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility.

Such User will be notified of the proposed termination of its discharge and will be offered an opportunity to show cause under Section 9.6 of this Ordinance why the proposed action should

not be taken. Exercise of this option by the Town shall not be a bar to, or a prerequisite for, taking any other action against the User.

9.10 Termination of Discharge

In addition to the provisions in Section 9.9 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of Industrial Discharge Permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the discharge standards in Section 2.3 of this Ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 9.6 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

9.11 Emergency Suspensions

The Town may immediately issue a Suspension Order to suspend a User's discharge, subsequent to informal notice to the User, whenever such suspension is necessary to terminate an actual or threatened discharge that reasonably appears to threaten or cause an imminent or substantial endangerment to the health or welfare of POTW personnel or the public. The Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, an endangerment to the environment or causes the Town to violate any condition of its MEPDES permit.

- A. Any User notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a User's failure to immediately comply with the Suspension Order, the Superintendent may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings in Sections 9.9 or 9.10 of this Ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed, written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 9.6, 9.9 or 9.10 of this Ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

9.12. Administrative Fine (AF)

Any person or User who causes or contributes to any violation of this Ordinance may be liable to the Town for an administrative fine. The Selectmen will determine the amount of any fine on a case-by-case basis. The Selectmen have the authority to fine an amount up to \$10,000 per each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. Administrative fines are an escalated enforcement response, particularly when Notices of Violations or Administrative Orders have not prompted a return to compliance. When determining the amount of any fine the Selectmen shall consider the following factors:

- A. The type and severity of the violation;
- B. The number of violations cited;
- C. The duration of noncompliance;
- D. The impact of the violation on the receiving water, sludge quality, POTW operation and/or the environment;
- E. Whether the violation threatened human health;
- F. Whether the User derived economic benefit or savings from the noncompliance;
- G. The compliance history of the User;
- H. Whether the User is making good faith efforts to restore compliance; and
- I. Any other relevant factors.

Administrative Fines are particularly appropriate when the User remains in noncompliance after receiving repeated Notice of Violations or when the User violates terms of an Administrative Order. Administrative Fines may be assessed in addition to and are not in lieu of the recovery of expenses.

9.13 Recovery of Expenses

Any person or User who causes or contributes to any violation of this Ordinance may be liable to the Town for any cost, expense, loss, compliance costs, fees, or damage to the Town of any kind or nature caused to the Town and any natural resource damages or penalties assessed by the State

of Maine or federal agencies against the Town, by reason of such violation, including the Town's attorneys' fees and expert or consultant fees and interest. If the Superintendent or Town Officials shall have caused the disconnection of a drain from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person or, User who caused or contributes to such violation. The Town may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

9.14 Harm to Town Property

No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct pursuant to the local Ordinances, and shall also be subject to penalties under State and Federal statutes.

9.15 Property Liens

The Town may place a lien against any property on which there are unpaid charges, fees, fines, or any other costs related to the enforcement of this Ordinance in accordance with Title 30-A, Section 3406(2) of the Maine Revised Statutes Annotated. Delinquent sewer use accounts shall automatically be assessed the costs incidental to filing the appropriate lien certificates in the registry of deeds and charged interest at the same rate that may be charged for delinquent municipal taxes for the corresponding budget year. The lien provisions of Title 30-A, Section 3406 of the Maine Revised Statutes Annotated shall be applicable.

SECTION 10 - JUDICIAL ENFORCEMENT REMEDIES

10.1 Injunctive Relief

The Selectmen may determine that a User has violated or continues to violate any requirement of this Ordinance, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, and that such violation or continued violation threatens or is reasonably likely to threaten public health, the environment, or the proper functioning of the POTW and may direct the Town's attorney to petition the Franklin County Superior Court for the issuance of a temporary, preliminary, or permanent injunction, as appropriate. The Town may seek injunctive relief to restrain or compel the specific performance of the Industrial Discharge Permit, Order, or other requirement imposed by this Ordinance on activities of the User. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a User.

10.2 Damages and Fines

The Selectmen may determine that a User has violated or continues to violate any requirement of this Ordinance, an Industrial Discharge Permit, Order issued hereunder, or any other Pretreatment Standard or requirement. The Selectmen may direct the Town's attorney to file a claim for damages, to collect fines, or for other appropriate relief under Title 30-A of the Maine Revised Statutes or otherwise to enforce and carry out the requirements of this Ordinance.

The remedies available to the Town may include damages, fines, punitive damages, attorney's fees, court costs and other expenses of litigation, expenses associated with enforcement activities, including sampling and monitoring expenses, and interest. The amount of the fine shall be determined by the Court based on a balancing of the factors contained in Section 9.12 of this Ordinance.

10.3 Public Nuisances

A violation of any provision of this Ordinance, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent.

10.4 Nonexclusive Remedies

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant User. Further, the Town is empowered to pursue more than one enforcement action against any noncompliant User.

SECTION 11 - SUPPLEMENTAL ENFORCEMENT ACTION

11.1 Performance Bonds

The Town may decline to issue or reissue an Industrial Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, unless such User first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Town Officials to be necessary to achieve consistent compliance.

11.2 Liability Insurance

The Town may decline to issue or reissue an Industrial Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

SECTION 12 - SEPTAGE DISPOSAL

The Town of Jay POTW does not accept septage and no facility within the Town may accept septage. The Town of Jay has made arrangements for the disposal of septage generated within the Town at the Town of Livermore Falls POTW. Disposal of septage at the Livermore Falls POTW shall be in accordance with the Livermore Falls Sewer Ordinance.

SECTION 13 - VALIDITY

- A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- B. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

SECTION 14 - INTERPRETATION OF REQUIREMENTS AND APPEALS

14.1 Interpretation

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted and administered by the Superintendent.. An advisory interpretation will not be subject to appeal.

14.2 Appeals

Any party aggrieved by any final determination under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said determination to the Town Manager, unless such determination was made in the first instance by the Town Manager. The Town Manager shall issue a final decision on appeal within thirty (30) calendar days. If said appeal is denied by the Town Manager, then the aggrieved party shall have the right to appeal to the Board of Selectmen within thirty (30) calendar days. If said appeal is denied by the Board of Selectmen, then the aggrieved party shall have the right to appeal to the Franklin County Superior Court pursuant to Maine Rule of Civil Procedure 80B, provided that said appeal is filed within thirty (30) calendar days from the issuance of the final decision of the Board of Selectmen. An appeal shall not act as an automatic stay.

SECTION 15 - EFFECTIVE DATE

This Ordinance shall be effective upon its enactment at the Town Meeting and as may be amended from time to time.