

TOWN OF FOXBOROUGH
BOARD OF WATER AND SEWER COMMISSIONERS

SEWER USE REGULATIONS

Pursuant to the provisions of Massachusetts General Laws Chapter 83, Section 10, and of Chapter 46 of the Acts of 1986, the Town of Foxborough Board of Water and Sewer Commissioners (the "Commission") hereby establishes the following sewer use regulations (the "Regulations") governing the use of the wastewater collection system of the Town of Foxborough.

SECTION 1. - GENERAL PROVISIONS

1.1 Purpose and Policy

It is the intent of these Regulations to control and manage the sewerage system, to regulate all discharges to the system, and to establish equitable and sufficient fees to operate, maintain, and improve said system. These Regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Foxborough, which system contributes to and discharges through the Town of Mansfield Water Pollution Abatement Facility (the "Facility").

1.2 Joint Authority

Under the terms of the Clean Water Act of 1977 and the General Pretreatment Regulations promulgated thereunder at 40 C.F.R. Part 403, as well as the terms of the National Pollutant Discharge Elimination System Permit No. MA 0101702 and No. M-150 issued to the Town of Mansfield by the United States Environmental Protection Agency (the "EPA") and Massachusetts Department of Environmental Protection (the "DEP"), the Town of Mansfield must have the authority to implement and to enforce said regulations and permit with respect to any Industrial Users which discharge to the Facility. Accordingly, the Commission hereby authorizes the Town of Mansfield (the "Town"), by and through its Board of Selectmen or the Board of Selectmen's duly authorized representative, to implement and enforce the provisions of these Regulations as specified herein with respect to any Industrial Users discharging into the

wastewater collection system of the Town of Foxborough. The Commission retains concurrent authority with the Town to implement and enforce these Regulations with respect to such Industrial Users, and reserves all authority to implement and enforce these Regulations with respect to all other Users discharging to the wastewater collection system of the Town of Foxborough.

1.3 Prior Regulations, Authority

These Regulations entirely replace the “Rules and Regulations of Sewer Use” adopted by the Board of Selectmen of the Town of Foxborough on May 13, 1985. The authority of the Commission was established by Chapter 46 of the Acts of 1986.

1.4 Applicability

These Regulations apply to all persons in the Town of Foxborough and to persons who are, by contract, agreement or permit with the Town of Foxborough, users discharging to the Town of Foxborough’s wastewater collection system and the Mansfield Water Pollution Abatement Facility.

1.5 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Regulations, shall have the meanings hereinafter designated:

(1) Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq., and the regulations promulgated thereunder, as amended from time to time.

(2) Application and Permit for Sewer Connection. The document issued by the Town of Foxborough Board of Water and Sewer Commissioners, as set forth in Section 3.1 of these Regulations.

(3) Authorized Representative. An authorized representative of an Industrial User may be: (1) a principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) a general partner or proprietor if the Industrial User is a partnership or sole proprietorship, respectively; (3) a member of the governing board or executive office of a governmental entity, if the Industrial User is a governmental facility; or (4) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the Indirect Discharge originates, or has overall responsibility for environmental matters for the Industrial User, provided, however, that the authorization is made

in writing by the individual described above, and the written authorization is submitted to the Commission and to the Town.

(4) Average. The arithmetic mean of values taken at the frequency required for each parameter over the specified period. For total and/or fecal coliforms, the average shall be the geometric mean.

(5) Biochemical Oxygen Demand ("BOD"). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in terms of milligrams per liter (mg/l).

(6) Board of Selectmen. Unless otherwise specified, the Town of Mansfield Board of Selectmen.

(7) Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of the building and conveys it to the building drain pipe, beginning ten (10) feet (3 meters) outside the inner face of the building wall.

(8) Building Sewer. The extension from the building drain to the public sewer or other place of disposal.

(9) Bypass. The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(10) Combined Sewer. A sewer receiving both surface water run-off and sewage.

(11) Cooling Water. The water discharged from any use, such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

(12) Commission. The Town of Foxborough Board of Water and Sewer Commissioners.

(13) Consistent Removal. The reduction in the amount of a pollutant or alteration of the nature of a pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent, as set forth in 40 C.F.R. Section 403.7.

(14) Critical Needs Areas. Those areas of Foxborough located within Greenview Estates, Brookside Drive, and Sears Estates, and the center of Foxborough as shown on the map on file at the Water and Sewer Department Office.

(15) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Massachusetts.

(16) Director. The duly authorized representative of the Town of Mansfield Board of Selectmen.

(17) Domestic Source. Any residence, building, structure, facility, or installation from which there is or may be discharged to the Facility only sanitary sewage, in an amount less than two thousand (2,000) gallons per day, as determined in accordance with the Sewage Flow Estimates published at 314 C.M.R. Section 7.15, which are incorporated herein by reference.

(18) Facility (Publicly Owned Treatment Works, or "POTW"). The treatment works, as defined by Section 212 of the Act, owned by the Town and known as the Mansfield Water Pollution Abatement Facility (the "Facility"). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes those sewers, pipes, and other conveyances which convey wastewater to the Facility. For the purposes of these Regulations, Facility or POTW shall also include any sewers that convey wastewaters to the Facility from persons who are, by permit, contract, or agreement with the Town, Users of the Facility.

(19) Facility Treatment Plant. That portion of the Facility designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(20) Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

(21) Indirect Discharge. The discharge or the introduction into the Facility of pollutants from any source, other than a Domestic Source, regulated under Section 307(b), (c), or (d) of the Act.

(22) Industrial Discharge Permit. The document issued by the Town of Mansfield, as set forth in Section 3.2 of these Regulations.

(23) Industrial User. A source of Indirect Discharge, and any source which discharges two thousand (2,000) or more gallons per day of sanitary sewage to the Facility.

(24) Industrial Waste. Any liquid, gaseous, or solid waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.

(25) Interference. A discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the Facility, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the Town's NPDES Permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal by the Facility in accordance with applicable federal, state, or local statutes and regulations or permits issued thereunder, as set forth in 40 C.F.R. Section 403.3(i).

(26) Maximum. The highest allowable quantity.

(27) National Pollutant Discharge Elimination System Permit or NPDES Permit. The Town's permit issued pursuant to Section 402 of the Act, 33 U.S.C. Section 1342, and M.G.L. Chapter 21, Section 43.

(28) National Pretreatment Standard, Pretreatment Standard, or Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act which applies to Industrial Users, including the specific discharge prohibitions found in 40 C.F.R. Section 403.5.

(29) Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(30) New Source. Any building, structure, facility, or installation, as described in 40 C.F.R. 403.3 (k) (l), from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

(31) Pass Through. The discharge of pollutants through the Facility into waters of the United States in quantities or concentrations which, 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 NPDES Permit (including an increase in the magnitude or duration of a violation).

(32) Person. Any individual, partnership, public or private corporation or authority, association, trust, estate, governmental entity, agency or political subdivision of a municipality, the Commonwealth of Massachusetts, or the United States, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(33) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(34) Pollutant. Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major non-point source, which is or may be discharged, drained, or otherwise introduced into any sewerage system, treatment works, or waters of the Commonwealth.

(35) Pollution. The presence in the environment of conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant, or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

(36) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 C.F.R. Section 403.6(d).

(37) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(38) Public Sewer. A sewer which is controlled by public authority.

(39) Sanitary Sewage. Liquid and water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of ground, storm and surface water and exclusive of industrial wastes.

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

(41) Sewage. The spent water of a community. The preferred term is wastewater.

(42) Sewer. A pipe or conduit that carries wastewater.

(43) Sewer Connection Permit. See Application and Permit for Sewer Connection.

(44) Sewer Service Connection. The extension of pipe, used only for discharge of sewage, from a point of ten (10) feet outside the foundation wall of the building served to its junction with the sanitary or combined sewer. The term

shall have the same meaning as the term “Particular Sewer” in M.G.L. Chapter 83.

(45) Sewerage System. Any device, equipment, or works used in the transportation, pumping, storage, treatment, recycling, and reclamation of sewage and industrial wastes.

(46) Shall is mandatory; May is permissive.

(47) Significant Industrial User.

(a) Except as provided in Section 1.2 (47)(b) of these Regulations, Significant Industrial User means:

(i) all Industrial Users subject to Categorical Standards under 40 C.F.R. 403.6 and 40 C.F.R. Chapter I, subchapter N; and

(ii) any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the Facility (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Facility Treatment Plant; or is designated as such by the Director on the basis that the Industrial User has a reasonable potential for adversely affecting the Facility’s operation or for violating any Pretreatment Standard or Requirement.

(b) Upon a finding that an Industrial User meeting the criteria in subsection (a)(ii) above has no reasonable potential for adversely affecting the Facility’s operation or for violating any Pretreatment Standard or Requirement, the Director may at any time, upon his or her own initiative or in response to a petition received from an Industrial User, and in accordance with Sections 403.3(t)(2) and 40 C.F.R. 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

(48) Sludge. Waste containing varying amounts of solid contaminants removed from water, sanitary sewage, wastewater or industrial wastes by physical, chemical, and biological treatment.

(49) Slug Discharge. Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

(50) Standard Industrial Classification (“SIC”). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended from time to time.

(51) Storm Drain. A pipe which carries storm and surface waters and discharge, but excludes sewage and industrial wastes, other than unpolluted cooling water. “Storm drain” is sometimes termed “storm sewer”.

(52) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom.

(53) Superintendent. The Superintendent of the Water and Sewer Department of the Town of Foxborough or his or her duly-authorized representative.

(54) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(55) Town. Unless otherwise specified, the Town of Mansfield, acting through its Board of Selectmen or the Director.

(56) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307(a) of the Act; or in regulations promulgated under M.G.L. Chapter 21, Section 43, including, but not limited to, 314 C.M.R. Sections 3.00, 7.00 and 12.00.

(57) User. Any Domestic Source or Industrial User which discharges wastewater to the Facility.

(58) Wastewater. The liquid and water-carried industrial, non-domestic or domestic wastes, including sewage, industrial wastes, other wastes, or any combination thereof, from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present.

(59) Waters of the Commonwealth. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, border upon or are within the jurisdiction of the Commonwealth.

(60) Well. A public or private source of water utilized by a person.

SECTION 2. - REGULATIONS OF WASTEWATER DISCHARGES

2.1 General Discharge Prohibitions

No person may introduce into the Facility any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Section 2.2 of these Regulations apply to each person introducing pollutants into the Facility, whether or not the person is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.

2.2 Specific Discharge Prohibitions

Supplementing the provisions of Section 2.1, above, and not by way of limitation, the following discharges to the Facility are specifically prohibited:

- (a) Ground, storm, and surface waters, roof runoff, sump pump discharges, subsurface drainage, uncontaminated cooling water, and uncontaminated industrial process waters. These discharges shall be made only to such sewers as are specifically designated by the Foxborough Board of Selectmen as storm sewers, or to a natural outlet, as may be permitted under an applicable NPDES permit. Users are directed to the Foxborough Board of Selectmen as the appropriate authority for discharges into storm sewers.
- (b) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to create a fire or explosion hazard or be injurious in any other way to the Facility or to the operation of the Facility. Pollutants which may create a fire or explosion hazard include, but are not limited to, wastestreams with a closed cup flash-point of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 C.F.R. Section 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, crude oil, lubricating oils, any other oils or greases of hydrocarbon or petroleum origin, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the Town, the Commission, the DEP or the EPA has notified the person is a fire hazard or a hazard to the system.
- (c) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Facility such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood,

feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, rubber, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polished wastes, fish processing wastes, or fish scales.

(d) Any wastewater having a pH less than 6.5 or greater than 8.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Facility.

(e) Any wastewater containing toxic or objectionable pollutants in sufficient quantity or concentration, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the Facility, or to exceed the limitations set forth in a National Categorical Pretreatment Standard, the Local Discharge Limitations prescribed herein at Section 2.5, or an Industrial Discharge Permit issued pursuant to these Regulations.

(f) Any substances which result in the presence of toxic gases, vapors, or fumes within the Facility in a quantity or concentration that may cause acute worker health and safety problems.

(g) Any substance which may cause the Facility's effluent or any other product of the Facility such as residues, sludges, or scums, to be unsuitable for disposal in a permitted landfill or for reclamation and reuse, or to interfere with the reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the Facility cause the Facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or state law applicable to the sludge management method being used.

(h) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which may cause Interference to the Facility.

(i) Any Slug Discharge.

(j) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(k) Any wastewater having a temperature which may inhibit biological activity in the Facility resulting in Interference, but in no case wastewater with a temperature at the introduction into the Facility which exceeds 40 degrees C (104 degrees F), unless the DEP, upon request of the Town, approves alternate temperature limits.

(l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits necessary to comply with applicable state or federal regulations.

(m) Any sludges or deposited solids resulting from an industrial pretreatment process, or any inert suspended solids or slurries.

(n) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in quantities or concentrations that will cause Interference or Pass Through.

(o) Any trucked or hauled pollutants, except at discharge points designated by the Director.

(p) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).

(q) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Commission.

(r) Any waters or wastes containing phenols or other odor-producing substances in quantities or concentrations that may cause objectionable odors.

2.3 National Categorical Pretreatment Standards

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the Pretreatment Standard, if more stringent than limitations imposed under these Regulations, shall immediately supersede the limitations imposed under these Regulations for Industrial Users in that subcategory. The Director shall attempt to notify all affected Industrial Users of the applicable requirements under the Act; 314 C.M.R. Sections 2.00, 7.00 and 12.00; and subtitles C and D of the Resource Conservation and Recovery Act, but the failure to provide such notice shall not relieve any Industrial User of its obligations to meet applicable Pretreatment Standards.

2.4 Removal Credits

Pursuant to 40 C.F.R. Section 403.7, where the Facility achieves consistent removal of pollutants limited by a National Categorical Pretreatment Standard, the Town may apply to DEP for modification of an Industrial User's discharge limits for a specific pollutant covered in the relevant National Categorical Pretreatment Standards in order to reflect the Facility's ability to remove said pollutant. The Town may modify pollutant discharge limits contained in a National Categorical Pretreatment Standard only if the requirements of 40 C.F.R. Section 403.7 are fulfilled and prior approval from DEP is obtained.

2.5 Local Discharge Limitations

No person shall discharge wastewater containing any pollutant specified in Schedule A, annexed hereto and incorporated herein by reference, in excess of the limitations specified for each of said pollutants in said Schedule A. An Industrial User's compliance with the provisions of this Section 2.5 shall be assessed on the basis of samples of the Industrial User's wastewater discharge collected at each point of connection between the Industrial User's building, structure, facility or installation and the sewerage system. If a National Categorical Pretreatment Standard establishes limitations for Users in a particular industrial subcategory which are more stringent than the limitations specified in Schedule A, those more stringent limitations shall immediately apply to those Industrial Users subject to that National Categorical Pretreatment Standard. Compliance with National Categorical Pretreatment Standard limitations shall be assessed in accordance with the requirements set forth at 40 C.F.R. Section 403.12(b)(5).

2.6 State Requirements

Requirements and limitations on discharges set by the DEP shall apply in any case where they are more stringent than federal requirements and limitations or those contained in these Regulations. The individual responsible for operating an Industrial User's Pretreatment System that discharges directly or indirectly to the Facility shall possess the proper operator's license(s) as required by law, including 257 C.M.R. 2.00. No person shall connect to the sewerage system or construct, effect, modify, or maintain a sewer extension or connection to the sewerage system, without a sewer system connection or extension permit issued by the DEP pursuant to M.G.L. Chapter 21, Section 43 and 314 C.M.R. 7.00, where such a permit is required. A person who must obtain a sewer system connection or extension permit from DEP for a connection or extension that will include a discharge of industrial waste to the sewerage system shall submit a copy of the DEP permit application to the Commission and to the Director when it submits the application to DEP.

2.7 Required Amendment of Regulations

The Commission shall amend these Regulations to include any more stringent limitations or requirements on discharges to the Facility necessary to keep these Regulations at least as stringent as the discharge limitations or requirements contained in the Town's Sewer Use Regulations, as the same may be amended from time to time.

2.8 Dilution Prohibited in Absence of Treatment

Except where expressly authorized to do so by an applicable National Pretreatment Standard or Requirement, no User shall ever increase the use of process water or in any other way attempt to dilute a discharge as partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any National Pretreatment Standard or Requirement.

2.9 Industrial User Pretreatment

Each Industrial User shall provide necessary wastewater treatment as required to comply with these Regulations, including the Local Discharge Limitations set forth in Schedule A hereto, and shall achieve compliance with all applicable National Categorical Pretreatment Standards within the time limitations specified by said Standards. Any facilities required to pretreat wastewater to a level which will achieve compliance with these Regulations shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Commission and to the Director for review, and shall be approved by the Director before construction of the facility. Any subsequent changes in the pretreatment facilities or operating procedures shall be reported to the Commission and to the Director, and shall be approved by the Director, prior to the Industrial User's initiation of the changes. Such review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent which complies with the provisions of these Regulations, or from liability for compliance with Pretreatment Standards or Requirements and these Regulations.

2.10 Public Participation: Lists of Industrial Users in Significant Noncompliance

All records relating to compliance with applicable Pretreatment Standards and Requirements shall be made available to the Director, the Commission, and officials of the EPA or DEP upon request. In addition, pursuant to the public participation requirements of 40 C.F.R. Part 25, the Town shall annually publish in the largest daily newspaper of general circulation in the Town a list of the Industrial Users which, at any time during the preceding twelve (12) months,

were in significant noncompliance with applicable Pretreatment Standards or Requirements.

For purposes of this provision, an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (b) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of Facility personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Facility's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an enforcement order or other requirement for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

2.11 Industrial User Accidental Discharges

(a) Plans and Procedures: Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director and the Commission for review, and shall be approved by the Director, before construction of the facility.

All existing Industrial Users shall submit such a plan within ninety (90) days of the effective date of these Regulations. No Industrial User who commences discharging into the Facility after the effective date of these Regulations shall introduce pollutants into the system until accidental discharge procedures have been approved by the Director. Review and approval of such plans and operating procedures shall not relieve an Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of these Regulations.

(b) Immediate Telephone Notice: In the case of an accidental discharge, the Industrial User shall telephone immediately and notify the Director and the Superintendent of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and any and all corrective actions.

(c) Written Notice: Within five (5) days following an accidental discharge, the Industrial User shall submit a detailed written report to the Director and the Superintendent describing the cause of the discharge and the measures which have been and will be taken by the Industrial User to prevent similar occurrences.

(d) Notice to Employees: Each Industrial User shall permanently post a notice on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur, or who may know or have reason to know thereof, are advised of the emergency notification procedures.

(e) Notification under this regulation shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Facility, fish kills, or any other damage to persons, animals or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by these Regulations or other applicable law; nor shall such notification relieve the Industrial User of any obligation to provide notice to other regulatory agencies

that may exist under other federal, state, or municipal law, regulations, or emergency reporting plans.

2.12 Slug Discharge Plans

At least once every two years, the Director shall evaluate whether each Significant Industrial User needs a plan to control slug discharges. A Significant Industrial User shall prepare, submit and comply with the provisions of any such slug discharge plan which the Director determines to be necessary. A slug discharge plan shall include, without limitation:

- (a) a description of discharge practices, including non-routine batch discharges;
- (b) a description of stored chemicals;
- (c) procedures for immediately notifying the Director and the Superintendent of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. Section 403.5 (b), with procedures for follow-up written notification;
- (d) if necessary, procedures to prevent adverse impact from accidental spills, including those provisions set forth in 40 C.F.R. Section 403.8(f)(2)(v)(D).

SECTION 3. - PERMITS

3.1 Application and Permit for Sewer Connection

(a) **New Users**: All Users proposing to connect to or discharge into the Facility shall obtain an Application and Permit for Sewer Connection from the Commission before connecting to or discharging into the Facility. An application for said Application and Permit for Sewer Connection shall be filed with the Commission at least ninety (90) days prior to the proposed connection or discharge to the Facility.

(b) **Existing Users**: Existing Users connected to the Facility as of the effective date of these Regulations, who have not obtained an Application and Permit for Sewer Connection, shall apply for an Application and Permit for Sewer Connection within thirty (30) days following the effective date of these Regulations.

(c) **Transfers and Modifications**: Pursuant to the provisions of this Section and Section 3.9 (b) of these Regulations, any person who proposes to sell or transfer ownership of a structure, property, or use for which an

Application and Permit for Sewer Connection has been issued; or who proposes a change in the nature, characteristics or constituents of its wastewater; or who proposes to increase its discharge so that the daily volume, strength, or rate of its discharge is at least ten percent (10%) greater than its existing and/or currently-permitted discharge; shall, no less than thirty (30) days prior to the proposed sale, transfer, change or increase, apply on a form prescribed by the Superintendent, for issuance of an Application and Permit for Sewer Connection or, if applicable, modification of its existing Application and Permit for Sewer Connection.

(d) Fee: All Users required to obtain an Application and Permit for Sewer Connection shall complete and file with the Commission an application in the form prescribed by the Commission, and accompanied by the appropriate fee as indicated on the fee schedule annexed hereto as Schedule B.

3.2 Industrial Discharge Permits

In addition to obtaining the Sewer Connection Permit prescribed in Section 3.1 of these Regulations, all Industrial Users shall obtain an Industrial Discharge Permit from the Town for discharges to the Facility. All existing Industrial Users connected to or discharging into the Facility, who have not obtained an Industrial Discharge Permit, shall apply to the Director for an Industrial Discharge Permit within sixty (60) days after the effective date of these Regulations. All Industrial Users proposing to connect to or discharge into the Facility, including any Domestic Source which proposes to commence discharging Industrial Waste or greater than 2,000 gallons per day of sanitary sewage to the Facility, shall file an application for an Industrial Discharge Permit with the Director at least ninety (90) days prior to the proposed connection or discharge to the Facility. The Town may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the Facility by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the Facility to violate its NPDES permit.

3.3 Industrial Discharge Permit Application Fee and Requirements

An Industrial User required to obtain an Industrial Discharge Permit shall complete and file with the Director an application in the form prescribed by the Director, and accompanied by the appropriate fee as indicated on the application. In support of the application for an Industrial Discharge Permit, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Identifying information: The Industrial User shall submit the name and address of its facility, including the name of the operator and owners.

- (b) Permit list: The Industrial User shall submit a list of any environmental control permits held by or for the facility.
- (c) Description of operations: The Industrial User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description shall include a schematic process diagram which indicates points of Discharge to the Facility from the regulated processes.
- (d) Flow measurement: The Industrial User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the Facility from each of the following:
 - (i) Regulated process streams; and
 - (ii) Other streams as necessary to allow use of the combined wastestream formula of 40 C.F.R. Section 403.6(e).

The Town may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- (e) Measurement of pollutants:
 - (i) The Industrial User shall identify the Pretreatment Standards applicable to each regulated process;
 - (ii) In addition, the Industrial User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Town) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) will be reported. The sample will be representative of daily operations;
 - (iii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Town may waive flow-proportional composite sampling for any Industrial User which demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples

where the Industrial User demonstrates that this will provide a representative sample of the effluent being discharged.

- (iv) The Industrial User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.
 - (v) 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 Industrial User shall measure the flows and concentrations necessary to allow use of the combined wastewater formula of 40 C.F.R. Section 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. Section 403.6(e), this adjusted limit, along with supporting data, shall be submitted to the Town;
 - (vi) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis will be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Facility or other parties, approved by the EPA;
 - (vii) The Town 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;
 - (viii) 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 Facility.
- (f) Certification. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation

and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

- (g) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
 - (i) Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (40 C.F.R. Section 403.7), the combined wastestream formula (40 C.F.R. Section 403.6(e)) and/or a Fundamentally Different Factors variance (40 C.F.R. Section 403.13) at the time the Industrial User submits the report required by Section 4.1(a) of these Rules and Regulations, the information required by paragraphs (f) and (g) of this section will pertain to the modified limits.
 - (ii) If the categorical Pretreatment Standard is modified by a removal allowance (40 C.F.R. Section 403.7), the combined wastestream formula (40 C.F.R. Section 403.6(e)), and/or a Fundamentally Different Factors variance (40 C.F.R. Section 403.13) after the Industrial User submits the report required by Section 4.1(a) of these Rules and Regulations, any necessary amendments to the information required by paragraphs (f) and (g) of this section will be submitted by the Industrial User to the Director within 60 days after the modified limit is approved.
- (h) Other information. Any other information as may be deemed by the Director to be necessary to evaluate the permit application. The Director will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue an Industrial Discharge Permit subject to terms and conditions provided therein.

3.4 Permit Conditions

Sewer Connection Permits and Industrial Discharge Permits shall be expressly subject to all provisions of these Regulations and all other applicable regulations, User charges, and fees established by the Town of Mansfield and/or

the Town of Foxborough. In addition, Industrial Discharge Permits shall contain the following:

- (a) The unit charge or schedule of User charges and fees for the wastewater to be discharged to the Facility;
- (b) Limits on average and maximum wastewater constituents and characteristics, including those determined in accordance with the limit specified in Schedule A;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules (but in no event may a compliance deadline in a Permit be later than a National Categorical Pretreatment Standard compliance deadline);
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintenance and retention of records relating to wastewater discharges as specified by the Town, and affording the Town access thereto;
- (i) Requirements for advance notification to the Town of any change in operations, and for advance approval by the Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater disposal system;
- (j) Requirements for notification to the Director of slug discharges;
- (k) A statement of Permit duration in accordance with Section 3.6 hereof, which shall in no case be more than two years;
- (l) A statement of Permit transferability in accordance with Section 3.7 hereof;
- (m) A statement of applicable civil and criminal penalties for violation of

Pretreatment Standards and Requirements, and any applicable compliance schedule, in accordance with Section 7 hereof; and

- (n) Other conditions as deemed appropriate by the Town to ensure compliance with these Regulations.

3.5 Industrial Discharge Permit Modifications

(a) Necessitated by Promulgation of National Categorical Pretreatment Standard: Within ninety (90) days of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of Industrial Users who are subject to such Standards shall be revised to require compliance with such Standard within the time frame prescribed by such Standard. An Industrial User with an existing Industrial Discharge Permit shall submit to the Director within one hundred eighty (180) days after the effective date of an applicable National Categorical Pretreatment Standard the baseline report required by Section 4.1(a) of these Regulations and 40 C.F.R. Section 403.12.

(b) Necessitated by Change in Wastewater Discharge: Any Industrial User who proposes to introduce a change in the nature, characteristics or constituents of its wastewater, or who proposes to increase its discharge so that the daily volume, strength, or rate of its discharge is at least ten percent (10%) greater than its permitted discharge shall, no less than thirty (30) days prior to said proposed change or increase, apply, on a form prescribed by the Director and copied to the Commission, for a modification to its Industrial Discharge Permit. After evaluation and acceptance of the data furnished, the Director may modify the Industrial User's Industrial Discharge Permit, subject to the terms and conditions provided herein.

(c) Necessitated by Change in Applicable Limitations or Requirements: The terms and conditions of an Industrial Discharge Permit issued hereunder may be subject to modification by the Director during the duration of the Permit as the limitations or requirements of these Regulations are modified or amended, or as the limitations or requirements of the Town's NPDES permit are modified or amended. The Industrial User shall be notified of any proposed modifications or amendments to its Industrial Discharge Permit at least thirty (30) days prior to the proposed effective date of such modification. Any modifications or amendments to the Industrial Discharge Permit shall include a reasonable time schedule for compliance therewith, but no compliance deadline therein shall be later than the deadline for compliance with an applicable National Categorical Pretreatment Standard.

3.6 Duration of Industrial Discharge Permits

Industrial Discharge Permits shall be issued for a specified time period not to exceed two (2) years. An Industrial Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. An Industrial User shall apply for Industrial Discharge Permit reissuance, on a form prescribed by the Director, at least ninety (90) days prior to the expiration of the Industrial User's existing Permit.

3.7 Industrial Discharge Permit Transfer

Industrial Discharge Permits are issued to a specific Industrial User for a specific operation. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the approval of the Director, which must be obtained at least thirty (30) days in advance of the proposed transfer date. No such approval shall be granted absent submission to the Director of a written agreement between the existing and proposed new permittee which sets forth the date for and terms of the transfer of the Industrial Discharge Permit and all responsibilities, obligations, and liabilities thereunder. Any succeeding owner or Industrial User shall comply with the terms and conditions of the existing Industrial Discharge Permit and all of the terms and requirements of these Regulations.

3.8 Industrial Discharge Permit Decisions

The Director shall provide all interested persons with notice of final decisions concerning Industrial Discharge Permit issuance and transfer, and shall provide the Commission with a copy of any new, renewed, modified, or transferred Industrial Discharge Permit issued to an Industrial Discharger in Foxborough. Any person, including the Industrial User to whom the Industrial Discharge Permit was issued, may petition the Director for review of the Industrial Discharge Permit issuance, modification, or transfer decision within thirty days of the date on which the decision was issued. Failure to submit a timely petition for review shall be deemed to be a waiver of Industrial Discharge Permit review.

A petition for review must set forth the Industrial Discharge Permit provisions or decision objected to, the reasons for the objection, and the alternate provisions, if any, which the petitioner seeks to have included in the Industrial Discharge Permit. The Board of Selectmen shall conduct the Permit review in accordance with the procedures set forth at Section 6.6 of these Regulations. The effectiveness of an Industrial Discharge Permit shall not be stayed pending the Board of Selectmen's review, but the Industrial Discharge Permit provisions objected to (other than those relating to achievement of compliance deadlines established under National Pretreatment Standards,

National Prohibited Discharge Standards, and Local Discharge Limitations) shall be stayed pending the Board of Selectmen's review. The decision of the Board of Selectmen concerning the petition for review shall be a final administrative action.

3.9 Sewer Service Connections

All Users required to obtain an Application and Permit for Sewer Connection from the Commission pursuant to Section 3.1 hereof shall be subject to the following requirements:

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining approval of an Application and Permit for Sewer Connection from the Commission. Any person proposing a new discharge or a substantial change in the volume or character of pollutants that are being discharged into the system, or a new owner of an existing connection, shall obtain the approval of an Application and Permit for Sewer Connection from the Commission.

- (b) There shall be two (2) classes of building sewer connections: (1) for residential and commercial service and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on the Application and Permit for Sewer Connection, and shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Commission. A permit and inspection fee shall be paid to the Town of Foxborough at the time the application is filed. Existing Users connected to the Facility, who have not obtained an Application and Permit for Sewer Connection, shall apply for an Application and Permit for Sewer Connection within thirty (30) days after the effective date of these Regulations, and proposed new Users shall apply at least ninety (90) days prior to connecting to the sewerage system. Sewer Connection Permits for all Industrial Users, and for any user which discharges one thousand (1000) or more gallons per day of sanitary sewage, shall be issued for a specified period of time, not to exceed five (5) years. A Sewer Connection Permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for a Sewer Connection Permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the User's existing Sewer Connection Permit. The terms and conditions of the Sewer Connection Permit may be subject to modification by the Commission during the term of the permit as discharge standards or requirements are modified or other just cause exists. The User shall be informed of any proposed changes in his Sewer Connection Permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the Sewer Connection Permit shall include a reasonable time schedule for compliance. Sewer Connection Permits are issued to a specific

User for a specific operation. A Sewer Connection Permit shall not be assigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the written approval of the Commission. Any succeeding owner or User shall also comply with all terms and conditions of the existing Sewer Connection Permit, if said permit is approved by the Commission for the succeeding owner or User.

(c) All owners of buildings located on land abutting a public or private way in which there is a sanitary sewer shall, within one (1) year from a written notice given by the Commission, connect with that sanitary sewer, provided that said public sewer is within one hundred (100) feet of the property line, unless prevented by topographic or other engineering reasons. All owners of buildings located on land adjacent to a sanitary sewer, other than abutting a public or private way, may connect to that sanitary sewer, with the approval of the Commission.

(d) A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot, both buildings are located within Foxborough, and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(e) Old 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 these Regulations.

(f) The size, slope, alignment, materials or 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 of Foxborough. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. A cleanout connection shall be installed on the service pipe outside the house foundation.

(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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(i) 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 of Foxborough, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. A Licensed Drain Layer, licensed by the Town of Foxborough, shall be required for the installation of the sewer service connection. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commission or by the Superintendent before installation.

(j) All sewer service connections shall be laid under the supervision of the Superintendent or his representative. The Owner or his authorized representative shall so arrange his work to require the service of the Superintendent or his representative for as short a time as practicable. No trench shall be filled in until the pipe laid therein has been inspected and approved by the Superintendent or his representative. A minimum notice of forty-eight (48) hours prior to beginning construction is required to schedule a Town of Foxborough inspector.

(k) 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 of Foxborough.

(l) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. In the event that a private sewer main must be installed in order to connect to the public sewer system, the owner is not only responsible for the installation costs of the main but all costs incident to the installation such as legal services incurred by the Town of Foxborough, consulting engineering and inspection services required and authorized by the Commission, and any and all costs or expenses incurred by the Town of Foxborough related to the private sewer extension. The owner shall indemnify the Town of Foxborough from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. In addition, a reproducible set of as-built plans of the sewer extension must also be furnished to the Commission by the owner along with a video of the sewer main(s) that must be taken just prior to acceptance of the sewer main(s). The main(s) shall be accepted by the Water and Sewer Department 1) after the video is reviewed and approved by the commission and; 2) one year after the completion of the subdivision or upon acceptance by the Town of the road in which these municipal services are located, whichever occurs later.

(m) In the event a well is a source of a person's water and the person is connected to the public sewer, said person shall install and connect a meter

on the well water supply, approved by the Superintendent, at his expense, from which the Town of Foxborough may monitor the use of the sewer and determine the volume of water for preparing sewer use charges.

(n) All sewer service connections from the house or building to the sanitary sewer shall be built, repaired and maintained under the direction of the Superintendent, and shall be paid for by the Owner of the land. The portion of the sewer service connection between the street line and the sewer on public ways shall be repaired and maintained by the Town of Foxborough. The portion of the sewer service connection between the street line and the sewer on a private way, and the service connection between all street lines and houses or buildings, are to be repaired and maintained by the Owner of the land.

(o) Sewer service connections shall be laid at such depth and gradient and in such locations as the Commission may determine. The minimum gradient allowable shall be one quarter (1/4) inch per foot. No sewer service connection shall service more than one building except by permission of the Commission. Sewer service connections shall be constructed of first quality polyvinyl chloride, cast iron sewer pipe, or other pipe approved by the Commission or Superintendent, and jointed and laid with the standard methods of sewer construction, as approved by the Commission or Superintendent. When completed the inside of a sewer service shall be left smooth and clean. No alteration in or connection with any service connection shall be made until application is made to and approved by the Commission or Superintendent.

(p) The applicant for the Application and Permit for Sewer Connection shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, forty-eight (48) hours prior to the proposed connection. The connection shall be made under the supervision of the Superintendent or his representative.

(q) If any sewer service connection becomes obstructed or otherwise fails to work properly, notice must be given promptly to the Superintendent by the Owner or his duly authorized agent. If maintenance work is required between the street line and the house or building, the cost of such maintenance work shall be paid by the Owner. The cost of other maintenance work will be paid by the Town of Foxborough. The property owner(s) affected shall be responsible to determine that the obstruction is not on his property.

3.10 Permit Limitations

(a) Applications for New Permits: The Commission reserves the right to place a moratorium on approval of Permits for Sewer Connections for new Users proposing to connect to or discharge into the Facility. The Commission will place a moratorium on the approval of new permits if the Commission, in its

sole discretion, determines that there is insufficient capacity available to the Town of Foxborough to deliver additional wastewater to the Facility.

(b) Existing Users: Existing Users who have obtained an approved Permit for Sewer Connection shall be limited to the flow listed in the approved Permit for Sewer Connection. No Existing User shall have the right to increase the flow from its existing connection beyond the flow listed in their approved Permit for Sewer Connection without filing a new Application for a Permit for Sewer Connection for such increased flow and obtaining approval from the Commission. The Commission reserves the right to deny any new Applications for a Permit for Sewer Connections filed by Existing Users if the Commission has placed a moratorium on the approval of Permits for Sewer Connections for new Users under Section 3.10(a).

SECTION 4. - REPORTING REQUIREMENTS, MONITORING, AND INSPECTIONS

4.1 Reporting Requirements

(a) Baseline Report: Within one hundred eighty (180) days following the effective date of a National Categorical Pretreatment Standard, an existing Industrial User subject to said Standard and currently discharging to or scheduled to discharge to the Facility shall submit to the Director and the Commission a report as prescribed in 40 C.F.R., Section 403.12 (b), which shall include the information required under Section 3.3 (a) - (h) of these Regulations. This report shall be signed by an Authorized Representative of the Industrial User, and contain a statement certified by a qualified professional engineer indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

At least ninety (90) days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Director and the Commission a report which contains the information required in Section 3.3 (a) - (h) of the Regulations. Reports by New Sources shall include information on the method of pretreatment the New Source intends to use to meet applicable Pretreatment Standards. The report shall be signed by an Authorized Representative of the Industrial User, and contain the certification described above.

(b) Compliance Schedule Progress Reports: If the certification statement described in paragraph 4.1 (a), above, states that additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards and Requirements, the Industrial User shall submit

to the Director a compliance schedule as described in paragraph 3.3 (i) hereof. Not later than fourteen days following each date in the compliance schedule and the final date for compliance, the Industrial User shall submit a progress report to the Director as prescribed at 40 C.F.R. Section 403.12 (c) stating, at a minimum, whether or not the Industrial User complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for the delay; and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director.

(c) Compliance Deadline Report: 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 Facility, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Town a report containing the information described in Section 3.3. (d) - (f) of these Regulations. For Industrial Users subject to equivalent mass or concentration limits established by the Town in accordance with the procedures in 40 C.F.R. Section 403.6 (c), this report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report will include the Industrial User's actual production during the appropriate sampling period.

(d) Periodic Reports on Continued Compliance:

(i) Any Industrial User subject to a categorical Pretreatment Standard after the compliance date of such Pretreatment Standard or, in the case of a New Source, after commencement of the discharge into the Facility, shall submit to the Town during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Town, EPA, or DEP, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. A copy of the report shall be filed simultaneously with the Commission. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (d) of Section 3.3 of these Regulations, except that the Town may require more detailed reporting of flows. At the discretion of the Town and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Town may agree to

alter the months during which the above reports are to be submitted.

- (ii) Where the Town has imposed mass limitations on Industrial Users as provided by 40 C.F.R. Section 403.6(d), the report required by Section 4.1(d)(i) of these Regulations shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.
- (iii) For Industrial Users subject to equivalent mass or concentration limits established by the Town in accordance with the procedures in 40 C.F.R. Section 403.6(c), the report required by Section 4.1 (d)(i) of these Regulations shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by Section 4.1(d)(i) of these Regulations shall include the Industrial User's actual average production rate for the reporting period.

(e) Reports by Significant Industrial Users Not Subject to Pretreatment Standards: Any significant Industrial User which is not subject to categorical Pretreatment Standards or Requirements shall submit to the Town, during the months of June and December (unless required more frequently by the Town, EPA, or DEP), a report as prescribed under 40 C.F.R. Section 403.12 (h) describing the nature, concentration and flow of those pollutants specified by the Town. A copy of the report shall be filed simultaneously with the Commission.

(f) Notification of Hazardous Waste Discharge:

- (i) An Industrial User shall notify the Director, the Commission, the EPA Regional Waste Management Division Director, and the Director of DEP's Division of Hazardous Waste, in writing, of any discharge into the Facility of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification shall include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the Facility, the notification shall contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents

contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.

All existing Industrial Users must file such notifications no later than one hundred eighty (180) days after the discharge of the listed or characteristic waste. Any notification under this Section 4.1 (f) need be submitted only once for each hazardous waste discharged. However, all Industrial Users must notify the Director in advance, in accordance with Section 3.5 (b) of these Regulations, of any change in their wastewater discharge. The notification requirement set forth herein does not apply to any pollutants already reported under the self-monitoring requirements set forth in Sections 4.1 (a), (b), (c), (d) and (e), above.

- (ii) An Industrial User is exempt from the requirements of Section 4.1(f) (i), above, during a calendar month in which it discharges no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. Sections 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous waste as specified in 40 C.F.R. Sections 261.30 (d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- (iii) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the Director, the Commission, the EPA Regional Waste Management Waste Division Director, and the Director of DEP's Division of Hazardous Waste, of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (iv) In the case of any notification made under this Section 4.1 (f), an Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(g) Notifications of Potential Problems: All Users shall notify the Director and the Superintendent immediately of all discharges that could cause problems to the Facility, including any slug loadings by an Industrial User.

4.2 Monitoring and Analysis

The reports required in Sections 4.1 and 3.3 (d) and (e), supra, and such other reports as the Director or the Commission may require under these Regulations, shall contain the results of all samplings and analysis of the Industrial User's discharge, whether or not conducted more frequently than required by the Director, the Commission, or these Regulations, including the flow and the nature and concentration of pollutants contained therein which are limited by applicable Pretreatment Standards and Requirements. The sampling and analysis may be performed by the Director in lieu of the Industrial User, in which event the Industrial User will not be required to submit the compliance certification set forth in Section 4.1 (a), above. In addition, where the Director collects all of the information required for the report, including analytical results and flow data, the Industrial User is not required to submit the report or compliance certification required therein.

If the Industrial User's sampling indicates a violation, the User must notify the Director and the Superintendent within 24 hours of becoming aware of such violation. The Industrial User must also repeat the sampling and analysis, and submit the results of the repeat analysis to the Director and the Commission within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample, however, if the Director performs sampling at the Industrial User at a frequency of at least once per month, or the Director performs sampling at the Industrial User between the time when the Industrial User performs its initial sampling and the time when said User receives the results of the sampling.

The frequency of monitoring shall be prescribed in the Industrial Discharge Permit and, for Industrial Users subject to National Pretreatment Standards, shall not be less frequent than prescribed in Section 4.1(d). All analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (h) of the Act and contained in 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Director or other parties, approved by the EPA.

4.3 Recordkeeping Requirements

An Industrial User subject to the reporting requirements set forth in Section 4.1, supra, shall maintain records of all information resulting from any monitoring activities required thereunder. Such records shall include, for all samples:

- (a) The date, exact place, method and time of sampling and the names of the person or persons taking the samples;
- (b) The date analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

The Industrial User shall keep copies of all such records and reports of monitoring activities and results for a minimum of three (3) years, and shall make such records available for inspection and copying by EPA, DEP, the Director, and the Commission. This period of retention shall be extended during the course of any unresolved enforcement proceeding regarding the discharge of pollutants by the Industrial User or the operation of the Facility pretreatment program, or when requested by DEP, EPA, the Director, or the Superintendent.

4.4 Monitoring Facilities

Each User shall provide, operate, and maintain, at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Commission may, when such a location would be impractical, unsafe, or cause undue hardship to the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. If the monitoring facility is constructed in or on a public way or sidewalk, the User shall indemnify the Town of Foxborough from any loss or damage that may directly or indirectly be occasioned by the construction, operation, or maintenance of the monitoring facility. Facilities approved by the Commission to be constructed in the public way shall be owned and maintained by the User, and all costs associated with the installation, operation, and maintenance shall be paid for by the User.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Commission's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to the User by the Commission.

4.5 Inspection and Sampling

The Town and the Commission shall each have the authority to inspect the facilities of any Industrial User to ascertain whether the purpose and requirements of these Regulations are being met. At least once per year, the Town, either jointly with the Commission or individually, shall inspect and sample the effluent from each Significant Industrial User. The Commission shall also have the authority to inspect any Domestic Source to ascertain whether the purpose and requirements of these Regulations are being met.

Persons or occupants of premises where wastewater is created or discharged shall allow the Town or its representative, and the Commission or its representative, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any of their duties. The Town, Commission, DEP, and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force which would 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, personnel from the Town, Commission, DEP, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

4.6 Right of Access

In addition to all other rights of access permitted by law, the duly authorized employees of the Towns of Foxborough and Mansfield bearing proper credentials and identification shall be permitted to enter all private properties through which the Town of Foxborough 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 Sewerage System 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.

4.7 Confidential Information

In accordance with 40 C.F.R. Section 403.14 and 314 C.M.R. Section 2.11, any information and data concerning a User which is contained in or obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and inspections shall be available to the public and governmental agencies without restriction, unless the User specifically claims, and is able to demonstrate to the satisfaction of the Director, and the Commission, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Any such claim of confidentiality must be asserted at the time of submission in the manner prescribed on the application form or instructions or by stamping or writing the words "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information. If no claim is made, the Director and the Commission may make the information available to the public without further notice.

Notwithstanding any claim of confidentiality, any information and data provided to the Director and the Commission which is effluent data, as defined at 40 C.F.R. Section 2.302 (including, but not limited to, wastewater constituents and characteristics), shall be available to the public without restriction. All other information and data shall be available to the public at least to the extent provided by 40 C.F.R. Section 2.302.

Information accepted by the Director and the Commission as confidential shall not be made available for inspection by the public, except as provided by 40 C.F.R. Section 2.302, but shall be made available upon written request to governmental agencies for uses related to these Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, DEP permit, and the industrial pretreatment program; provided, however, that such portions of a report shall be available for use by the State or any state agency, the Town, the Commission, or by the United States or EPA in criminal or civil judicial or administrative enforcement proceedings involving the User.

SECTION 5. - FEES

5.1 Charges and Fees

One of the purposes of these Regulations is to provide for the recovery of costs from persons who use the wastewater collection and treatment system of the Town of Foxborough, and the Facility, in order to implement the programs established herein. The Town of Mansfield and the Commission may adopt charges and fees which may include:

- (a) fees for reimbursement of the cost of setting up and operating the Facility's pretreatment program;
- (b) fees for monitoring, sampling, inspections, and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for Permit applications and modifications;
- (e) fees for consistent removal (by the Town of Mansfield) of pollutants otherwise subject to National Categorical Pretreatment Standards;
- (f) fees for sludge disposal;
- (g) fees for use of the wastewater collection and treatment system of the Town of Foxborough; and
- (h) other fees as the Town of Mansfield and the Commission may deem necessary to carry out the requirements contained herein.

5.2 Assessment of Charges and Fees

The applicable charges or fees for the items enumerated in Section 5.1, above, shall be set from time to time by the Town and the Commission, and shall be assessed via the towns' Agreement for Wastewater Treatment or other contracts with municipalities or other Users, or on a fee-for-specific-service basis, in accordance with a schedule duly adopted by the Town of Mansfield and the Commission and annexed hereto as Schedule B.

5.3 Lien for Overdue Charges

The Commission may place a lien upon any property or premises for which sewer use or services charges are more than 60 days overdue. Notwithstanding such lien, any overdue sewer use or service charges may be collected through any legal means, including the shutting off of a sewer connection which may be deemed advisable by the Commission.

SECTION 6. - ENFORCEMENT

6.1 Imminent Endangerment

The Director or the Superintendent may immediately halt or prevent any discharge of pollutants which reasonably appears to present an imminent

endangerment to the health or welfare of persons. In the event that the Director or Superintendent determines that a discharge of pollutants reasonably appears to present an imminent endangerment to the health or welfare of persons, the Director or Superintendent shall provide informal (oral or written) notice of said determination to the discharger. Said discharger shall immediately stop or eliminate such discharge and shall submit written proof of the elimination of the discharge to the Director and the Superintendent within forty-eight (48) hours of receipt of notice of the Director's or Superintendent's determination. If the discharger fails voluntarily to halt such discharge, the Director or the Superintendent shall take such actions as he or she deems necessary to prevent or minimize endangerment to the health or welfare of persons. Such actions include, but are not limited to, seeking ex parte temporary injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, severance of the sewer connection, suspension of wastewater disposal service, suspension or revocation of a Sewer Connection Permit or Industrial Discharge Permit, and institution of legal action. The Director or the Superintendent shall provide informal, telephoned notice, each to the other, of any such action.

After such discharge has been halted, the Director or the Commission may take such other and further actions provided under this Section as may be necessary to ensure elimination of said discharge and compliance with the terms of these Regulations and any Application and Permit for Sewer Connection or Industrial Discharge Permits issued hereunder.

6.2 Harmful Discharges

The Director and the Commission or Superintendent shall each have the authority, in accordance with the procedures set forth in Section 6.4 hereof, to halt or prevent any discharge of pollutants which:

- (a) presents or may present an endangerment to the environment;
- (b) threatens to interfere with the operation of the Facility;
- (c) threatens to cause the Facility to violate any condition of its NPDES permit; or
- (d) is otherwise in violation of these Regulations, applicable state or federal regulations, or the terms, conditions, and requirements of any Sewer Connection Permit or Industrial Discharge Permit issued hereunder.

6.3 Revocation of Permit

Any User who violates the following conditions of these Regulations, or applicable state and federal regulations, is subject to having its Application and

Permit for Sewer Connection or Industrial Discharge Permit revoked in accordance with the procedures set forth in Section 6 of these Regulations:

- (a) Failure of an Industrial User to report factually the wastewater constituents and characteristics of its discharge;
- (b) Failure of a User to report significant changes in its operations, or the constituents and characteristics of its wastewater;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the User's Permit.

6.4 Administrative Enforcement Proceedings

The Town may conduct administrative enforcement proceedings to enforce compliance with these Regulations and the provisions of any Permit issued hereunder with respect to all Users of the Facility. In addition to exercising such other authority as is provided by statute, by-law or regulation, the Commission may be authorized by the Town to conduct an administrative enforcement proceeding, in accordance with this Section 6, with respect to violations of the provisions of any Application and Permit for Sewer Connection issued to any User located within the Town of Foxborough. In any administrative enforcement proceeding conducted by the Commission pursuant to any such authorization by the Town, the Commission and its designees shall perform the activities and employ the Notice of Violation, Compliance Order, Order to Show Cause, and Show Cause Hearing procedures set forth in Sections 6.5 and 6.6 of these Regulations, and shall provide notice of all such activities and procedures to the Town.

6.5 Notices of Violation, Compliance Orders, and Orders to Show Cause

Whenever the Director or the Commission determines that any person has caused a discharge of pollutants described in Section 6.2 or has engaged in conduct prohibited in Section 6.3 above, in violation of these Regulations, applicable state and federal regulations, or any Permit issued hereunder, the Director or the Commission shall serve upon such person, either personally or by mail, a written notice stating the nature of the violation. In addition, said Notice of Violation shall contain one or both of the following:

- (a) Compliance Order: The Director or the Commission may issue Compliance Order directing the person to take specified actions to comply with these Regulations or the provisions of any applicable Permit within a time schedule set forth by the Director or the Commission. The Compliance Order may provide for the pursuit in a court of competent jurisdiction of civil penalties as prescribed in Section 7, infra, and may provide that the person's wastewater

disposal service and/or Industrial Discharge Permit shall be suspended pending submission of proof satisfactory to the Director or, where the Compliance Order was issued by the Commission, to the Commission, that specified violations of these Regulations or the Permit have been abated or corrected.

(b) Order to Show Cause: The Director may order the person to show cause before the Town of Mansfield Board of Selectmen why the proposed enforcement action should not be taken. In the case of a Compliance Order issued solely by it, the Commission may order the person to show cause before the Commission why the proposed enforcement action should not be taken. Any such Show Cause Hearing shall be noticed and conducted in accordance with the provisions of Section 6.6, infra.

6.6 Show Cause Hearing

(a) Notice Requirements: A notice shall be served on the person specifying the time and place of a hearing to be held by the Board of Selectmen, or, in the case of an Order to Show Cause issued solely by the Commission, the Commission regarding the violation, the proposed enforcement action, the reasons why the action or Industrial Discharge Permit or Sewer Connection Permit issuance, modification, or transfer decision is to be taken, and directing the person to show cause before the Board of Selectmen or, in the case of an Order to Show Cause issued solely by the Commission, the Commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service must be made on an Authorized Representative of a corporation.

(b) Conduct of the Hearing: The Town of Mansfield Board of Selectmen or, in the case of an Order to Show Cause issued solely by the Commission, the Commission shall conduct the hearing and take the evidence, or may designate any of its members or the Director to:

- (i) Issue in the name of the Board of Selectmen or the Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (ii) Take evidence;
- (iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Selectmen or the Commission for action thereon; and

(iv) Take any further necessary action as permitted by these Regulations or applicable contracts or agreements.

(c) Testimony Recorded Under Oath: At any hearing held pursuant to these Regulations, testimony taken must be under oath and recorded, either stenographically or by voice recording. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(d) Orders: After the Board of Selectmen, or, in the case of an Order to Show Cause issued solely by the Commission, the Commission has reviewed the evidence, it may issue an order affirming, modifying, or rescinding its decision concerning the subject action or the denial, modification or transfer of an Industrial Discharge Permit or, in the case of the Commission, a Sewer Connection Permit. The Board of Selectmen or the Commission may also issue an order to the person responsible for the discharge directing that its wastewater disposal service be discontinued or its Industrial Discharge Permit or Sewer Connection Permit be revoked or suspended immediately, or following a specified time period if adequate treatment facilities, devices, or other related appurtenances have not been installed or existing treatment facilities, devices, or other related appurtenances are not properly operated so as to correct or eliminate the discharge. Further orders and directives as are necessary and appropriate may be issued.

6.7 Legal Action

If any person discharges sewage, industrial wastes, or other wastes into the Facility contrary to the provisions of these Regulations, any applicable federal, state or local pretreatment requirements, the conditions and requirements of any Application and Permit for Sewer Connection or Industrial Discharge Permit issued hereunder, or any order of the Commission, Director, or Board of Selectmen, counsel for the Town of Mansfield or the Town of Foxborough may commence an action for appropriate legal and/or equitable relief in either state or federal court.

6.8 Liability for Damage

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewerage System or the Facility.

Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION 7. - PENALTIES AND COSTS

Any person who violates an Order of the Town of Mansfield Board of Selectmen or the Town of Foxborough Board of Water and Sewer Commissioners or fails to comply with any provisions of these Regulations or the orders, rules, compliance schedules, and Permits issued hereunder, may be assessed a civil penalty of up to Five Thousand Dollars (\$5,000) per day for each violation. A criminal penalty may also be sought, consistent with state law. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

In addition to the penalties provided herein, the Towns of Foxborough and Mansfield may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate legal action against the person found to have violated these Regulations or the orders, rules, compliance schedules, and Permits issued thereunder.

Any person violating any of the provisions of these Regulations or the orders or Permits issued thereunder shall become liable to the Town of Foxborough for any expense, loss or damage occasioned the Town of Foxborough by reason of such violation. The Commission may add the amount of any such expense, loss, or damage, including the cost of non-judicial enforcement activities under these Regulations, to a User's bill for sewer use charges, in accordance with the provisions of Section 5.1 of these Regulations.

SECTION 8. – SEVERABILITY

If any provision, paragraph, word, section, or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 9. – CONFLICT

All other regulations, ordinances and bylaws, and any parts thereof, which are inconsistent or conflict with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict.

SECTION 10. - EFFECTIVE DATE

These Regulations shall be in full force and effect from and after the tenth day following their publication and filing with the Town of Foxborough Board of Water and Sewer Commissioners.

APPROVED this 6th day of February, 2009.

Chairperson, Town of Foxborough
Board of Water & Sewer Commissioners

ATTEST: _____ (Seal)

Published the 17th day of February, 2009

Filed the 17th day of February, 2009.

As Amended:

November 12, 1996	Section 3.9 (1)
May 1, 2000	Section 3.10 (A) & (B)
May 1, 2001	Rates Regular & Private Contracts
July 29, 2002	Schedule B Charges and Fees
August 4, 2003	Change to 3.9 (b)
September 27, 2004	Rate Changes Private & Regular
July 1, 2005	Schedule B Charges and Fees – F, and Rate Changes Private & Regular
April 1, 2007	Schedule B Charges and Fees 1 E and Rate Changes Regular
February 6, 2009	Rate Changes Regular & Private 5%

SCHEDULE A
Local Discharge Limitations

<u>Parameter</u>	<u>Concentration (mg/l)</u>
Antimony	52.32
Arsenic	0.32
Beryllium	0.17
Boron	1.11
Cadmium	0.33
Chromium	0.53
Copper	1.20
Cyanide	0.26
Lead	0.12
Mercury	0.00
Molybdenum	0.05
Nickel	0.49
Selenium	1.37
Silver	0.01
Thallium	1.90
Zinc	1.10

SCHEDULE B
CHARGES AND FEES

I. Foxborough's Charges and Fees

- A. Application for Sewer Connections \$ 25.00
Non-Refundable
 - B. Permit for Sewer Connections
 - 1. Residential/Commercial Permits \$125.00
 - 2. Industrial Permits \$125.00
 - C. Renewal of Permit \$ 50.00
 - D. Industrial Inspections \$50.00/hour or portion thereof
 - E. New Residential Connections* to existing sewer system Not
 subject to a Betterment Charge:
\$1,500/ Bedroom
- Relocation of Existing Service would be 50% of the installation costs as described above. The Contractor also cuts and caps existing service at main.
- *as may be authorized on an emergency basis or in the future when the moratorium is rescinded.
- F. Inspection Charges for Replacement or Repair of existing sewer
 connection
\$25.00

Regular Sewer Customers

- 1. System capacity charge for residences within an area subject to betterment costs that have not connected to the new sewer system within the one-year grace period:

	<u>3 Bedroom</u>	<u>4 Bedroom</u>
Annual	\$164.68	\$219.56
Semi-Annual	\$ 82.34	\$109.78
Quarterly	\$ 41.17	\$ 54.89

II. Mansfield's Charges and Fees

- A. Annual Permit Fees
- | | |
|-------------------------------------|----------|
| 1. Significant Industrial Users | \$125.00 |
| 2. Non-Significant Industrial Users | |
| Long Form | \$ 50.00 |
| Short Form | \$ 10.00 |
- B. Annual Flow Based Surcharges

Industrial Users shall pay annual flow-based surcharges to cover the non-labor costs of the Town's Industrial Pretreatment Program. The surcharge rate will be adjusted annually by the Town based on the anticipated fiscal year budget. If surcharge revenues are less than projected during any fiscal year, the Town may increase its surcharge rate to recover the whole cost for the Town's Industrial Pretreatment Program.

The flow from Industrial Users is approximately 51,126,056 gallons per year (6,835,034 cubic feet per year) based on past data. The initial surcharge rate is calculated as follows:

$$\text{Surcharge/1000 cubic feet} = \frac{\$7450 \times 1000 \text{ c.f. (billing unit/1000 c.f.)}}{6,835,034}$$

- \$1.09/1000 c.f.

The surcharge rate also may be adjusted by the Town based on changes in the flow from Industrial Users.

III. Direct Backcharges for Laboratory Costs

Each Industrial User will be billed a direct backcharge for all laboratory costs incurred by the Town or the Commission for sampling of the Industrial User's discharge or within the Industrial User's facility required by EPA, DEP, the Town or the Commission.

FOXBOROUGH WATER DEPARTMENT
Regular Sewer Customer Rates
(Effective Date-February 6, 2009)

	Usage Range		Initial Cost	Additional charge per 1,000 Cu. Ft.
Quarterly	0	750	\$ 42.72	(Minimum)
	750	3000	\$ 42.72	\$ 45.55
	3000	7500	\$ 145.23	\$ 46.23
	Over	7500	\$ 353.25	\$ 46.95
Monthly	0	250	\$ 14.24	(Minimum)
	250	1000	\$ 14.24	\$ 45.55
	1000	2500	\$ 48.41	\$ 46.23
	Over	2500	\$ 117.75	\$ 46.95

FOXBOROUGH SEWER DEPARTMENT
Private Contract Sewer Rates
(Effective Date-February 6, 2009)

	Usage Range		Initial Cost	Additional charge per 1,000 Cu. Ft.
Quarterly	0	750	\$ 26.22	(Minimum)
	750	3000	\$ 26.22	\$ 28.00
	3000	7500	\$ 89.22	\$ 28.37
	Over	7500	\$ 216.87	\$ 28.85
Monthly	0	250	\$ 8.74	(Minimum)
	250	1000	\$ 8.74	\$ 28.00
	1000	2500	\$ 29.74	\$ 28.37
	Over	2500	\$ 72.29	\$ 28.85