

**IT IS HEREBY ORDAINED by the Town Council of Bristol, Rhode Island, that  
Chapter 22 of the Ordinances of the Town of Bristol be amended as follows:**

**Chapter 22 SEWERS AND SEWAGE DISPOSAL<sup>1</sup>**

**ARTICLE I. IN GENERAL**

**Sec. 22-1. Reference to public law.**

- (a) Chapter 211 of the Public Laws of Rhode Island, 1980, provides for improvements of and additions to the town's sewer system, and authorizes its financing through the issuance of \$9,500,000.00 in bonds. Section 12 of this law authorizes the town council to assess a portion of the cost of construction of sewer system additions upon the owners of estates in the town which abut the portion of any street along which a sewer may be located. Section 13 authorizes the town council to fix and periodically revise a schedule of sewer service charges to pay the annual cost of maintaining, repairing and operating the town's sewer system. Section 14 authorizes the town council to prescribe rules and regulations, by ordinance, regulating the connection of buildings with sewers.
- (b) These authorizations, as well as additional regulations, are included in this chapter. The establishment and adoption of the town's sewer ordinance is required by the federal government, as represented by the Environmental Protection Agency, for the approval of federal funds for the design and construction of improvements to the town's sewer system.

(Code 1972, § 18-1)

**Sec. 22-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

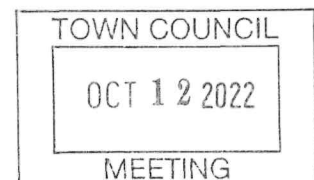
*Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

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<sup>1</sup>Charter reference(s)—Public works, § 1001 et seq.

Cross reference(s)—Buildings and building regulations, ch. 9; environment, ch. 10; health and sanitation, ch. 13; sewage and fetid waters, § 13-42; solid waste management, ch. 24; setback of individual sewage disposal facilities from bodies of water, § 28-145.

State law reference(s)—Sewage charges, G.L. 1956, § 45-14-1 et seq.; sewerage system cleaners, G.L. 1956, § 23-24.3-1 et seq.



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*Authorized agent* means the town council or other body it may designate to authorize assessment of a sewer tax.

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibition of introducing into the sewer or POTW any pollutant(s) which cause Pass Through or Interference, as well as the specific prohibitions listed in 40 CFR 403.5(b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five consecutive days at 20 degrees Celsius, expressed in milligrams per liter.

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall. The building drain, from a minimum of six inches (15.2 cm) inside the foundation wall, through the foundation wall, and to five feet (1.5 meters) outside the inner face of the building wall shall be a minimum of four inches (10.2 cm) in diameter and shall be in accordance with local and/or state plumbing and building codes.

*Building inspector* means the building inspector of the town, or his authorized deputy, agent or representative.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

*Categorical pretreatment standard or categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405—471.

*Chemical oxygen demand (COD)* means a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test.

*Chlorine demand* means the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contract period.

*Church or school structure* means any structure owned by any incorporated nonprofit organization used or designed for use as a school and/or for the conduct of religious services and related purposes such as parsonage, rectory, convent, school or assembly or recreation hall.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Commercial structure* means any structure which is used or designed for use as a country club, private or nonprofit meeting hall or club, business office, bank, retail or wholesale store, lumberyard, nursery, proprietary school, professional office, and any other commercial, social or community use (excepting multifamily residence structures and church or school structures).

*Composite sample* means a sample which was taken from the combination of individual wastewater grab samples taken at selected intervals based on either an increment of flow or time.

*Developer* means a person who develops a plat of land under an approved final subdivision plat or building permit.

*Director* means the director of public works of the town, or his authorized deputy, agent or representative.

*Discharge* means the introduction of pollutants into the POTW from any domestic source.

*Dwelling unit* means one or more rooms designed or intended for living purposes and containing sanitary facilities.

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*Enabling act* means chapter 211 of the Public Laws of Rhode Island, 1980, as the same has been or may hereafter be amended from time to time.

*EPA* means the United States Environmental Protection Agency.

*Existing source* means any source of discharge, the construction or operation of which commence prior to the publication by EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.

*Garbage* means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Grab sample* means a sample which was taken from a waste stream without regard to the flow quantity or time of the waste stream and over a period of time not to exceed 15 minutes.

*Homesite* means a lot or group of adjoining lots owned by the same owner and containing a single residential structure or multiuse structure; or if unimproved, then declared by the owner as intended for use by a single residential or multiuse structure.

*Indirect discharge or discharge* means the introduction of pollutants into a POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the act.

*Industrial structure* means any structure used or designed for use primarily for warehousing, assembling, lubricating, shipping, manufacturing or industrial uses and other related activities.

*Industrial user or user* means a source of indirect discharge.

*Industrial wastes* means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

*Interference* means an indirect discharge, which alone or in conjunction with an indirect discharge or indirect discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the town's RIPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: section 405 of the act; the Solid Waste Disposal Act, including title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

*Lot* means any lot or parcel of land defined by metes, bounds or boundary lines in a recorded deed or shown on a recorded plan or plat.

*May* is permissive.

*Multifamily residence structure* means any structure used or designed for more than one residential unit.

*Municipal structure* means any structure owned by the town.

*National pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*New source* means:

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed national pretreatment

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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, provided that:

- a. The building, structure, facility or installation is constructed at a site at which no other source is located;
  - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, the director may consider factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)b or (1)c of this section but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this section has commenced if the owner or operator has:
- a. Begun, or caused to begin, as part of a continuous construction program:
    1. Any placement, assembly or installation of facilities or equipment;
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

*Pass through* means a discharge which exits the POTW 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 RIPDES permit, including an increase in the magnitude or duration of a violation.

*pH* means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*POTW-treatment plant* means that portion of the POTW which is designed to provide treatment, including recycling and reclamation, of the initial-municipal sewage and industrial waste. The POTW as a whole includes sewers, pipes, and pump stations which convey wastewater to the POTW Treatment Plant.

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

*Pretreatment coordinator* means a person designated by the town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative thereof.

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*Pretreatment requirement* means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

*Pretreatment standard* means prohibited discharge standards, categorical pretreatment standards and local limits.

*Project* means the construction, completion, extension, enlargement and improvement of the town's sewer system.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half of an inch (1.27 cm) in any direction.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

*Publicly owned treatment works (POTW)* means a treatment works as defined by section 212 of the act which is owned by the town, including 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 sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant.

*Replacement* means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

*Residence structure* means any structure used or designed for occupancy as a single-family residence. A structure which combines residential, commercial and/or industrial activities shall be deemed a multiuse structure.

*Residential unit* means, with respect to any multifamily residence structure, an identifiable area used or designed for use as a separate living facility for one or more persons and having its own facilities for sanitary sewage (dwelling unit). For the purposes of this chapter, a condominium unit is a residential unit.

*RIPDES permit* means a permit issued to a POTW pursuant to section 402 of the act.

*Sanitary sewer* means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

*Sewage.* See *Wastewater*.

*Sewer* means any main, pipe, lateral or other conduit in a street, highway, alley, right-of-way or easement, installed at a location and in accordance with specifications approved in advance by the town, to which sanitary sewage is directed by individual sewer service lines from structures having facilities for sanitary sewage.

*Sewer assessment area* means any area in the town with respect to which the town council has determined that the structures or homesites located therein abut a street, highway, alley, right-of-way or easement in which any operating portion of the object may be located or are otherwise specifically benefited by any operating portion of the project.

*Sewer assessment review board* means the board which will review appeals under this chapter.

*Sewer assessment structure* means any residence structure, multifamily residence structure, commercial structure, industrial structure, school or church structure and municipal structure, located on a homesite, the construction of which was completed, or undertaken pursuant to a building permit issued, prior to the date such homesite was designated a homesite and the use or designed use of which generates or may result in the generation of sanitary sewage.

*Sewer service charges* means charges to cover sewer service costs.

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*Sewer service cost* means the cost of maintaining, repairing and operating the sewer system (including reserves for such purposes and for renewals and replacements), the principal and interest on all sewer bonds and notes of the town, when due, and any other expenses not otherwise provided for, which may arise under the enabling act, to the extent that moneys for the foregoing purposes are not otherwise provided.

*Significant industrial user* means:

- (1) An industrial user subject to ~~national~~categorical pretreatment standards; or
- (2) An industrial user that:
  - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
  - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - c. Is designated as such by the town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating pretreatment standard or requirement.
- (3) Upon a finding that an industrial user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any national pretreatment standard or requirement, the town may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

*Significant noncompliance* means violations which meet one or more of the following criteria:

- (1) Violations of wastewater discharge limits:
  - a. Chronic violations are those in which ~~66-sixty-six~~ percent (~~66%~~) or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).
  - b. Technical review criteria (TRC) violations are those in which ~~33-thirty-three~~ percent (~~33%~~) or more of all the measurements for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) 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 standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
  - d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Violations of compliance schedule milestones contained in a local control mechanism or enforcement order for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the scheduled date.
- (3) Failure to provide reports for compliance schedules, self-monitoring data or categorical standards, baseline monitoring reports (BMRs), ninety (90)-day compliance reports, and periodic reports within fourty-five (45) days of the due date.
- (4) Failure to accurately report noncompliance.

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(5) Any other violation or group of violations, which may include a violation of best management practices, that the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(6) Significant Industrial Users are subject to all of the above criteria for Significant Noncompliance, however, Non-Significant Industrial Users are not subject to sections (1)a and (1)b of this definition.

*Shall* is mandatory.

*Slug* means any discharge of water, sewage, or industrial waste of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits, or Permit conditions, which concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the wastewater facility.

*Square feet* shall be determined, with respect to any sewer assessment structure, by measuring all internal areas of each floor (including the basement where such basements are being utilized, or were designed or constructed in a fashion so that they may be used, for any lawful purpose to which such sewer assessment structure may be put, but excluding unused attics).

*Storm drain (storm sewer)* means a sewer which carries stormwaters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Superintendent* means the superintendent of the wastewater treatment facility of the town, or his authorized deputy, agent or representative.

*Suspended solids* means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

*TKN* means total Kjeldahl nitrogen.

*Unpolluted water* means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

*User charge* means a charge levied on users of a treatment works for the cost of operation and maintenance of such works.

*Wastewater or sewage* means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface water and stormwater that may be present.

*Wastewater facilities* means the structure, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

*Wastewater treatment works* means an arrangement of devices, systems and structures including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and the extensions, improvement, remodeling, additions and alterations thereof for treating wastewater, industrial wastes and sludge; sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

*WPCF* means the Water Pollution Control Federation.

(Code 1972, § 18-3; Ord. No. 2008-11, 7-9-08)

Cross reference(s)—Definitions generally, § 1-2.

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**Sec. 22-3. Interpretation of chapter requirements.**

The provisions of this chapter with respect to the meaning of technical terms and phrases, the restriction as to wastes that may be discharged into interceptors, the regulations with respect to making connections to interceptors and other technical matters shall be interpreted and administered by the director.

**Secs. 22-4—22-35. Reserved.**

**ARTICLE II. RECORDKEEPING, INSPECTION AND ENFORCEMENT**

**Sec. 22-36. Inspection powers.**

- (a) *Inspections.* Inspections shall be conducted at the discretion of the town. The town or the duly authorized employees and agents of the town, upon presenting identification and appropriate credentials is authorized:
  - (1) To enter without delay and at reasonable times those premises (public or private) of any person or class of user either receiving services from the town or applying for services from the town in which a discharge source or treatment system is located.
  - (2) During regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, to have access to and to copy any records, inspect any monitoring equipment and sample any effluents which the owner or operator of such discharge source is required to sample, and any rules and regulations adopted pursuant thereto; and
  - (3) During such on-site inspections, to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by any person discharging into the facilities, compliance or noncompliance with town pretreatment requirements.
- (b) *User documentation.* The town may, by regulation, order, permit or otherwise, require any person who discharges into the facilities to:
  - (1) Establish and maintain records;
  - (2) Make reports;
  - (3) Install, calibrate, use and maintain monitoring equipment or methods (including, where appropriate, biological monitoring methods);
  - (4) Sample discharges and effluents (in accordance with the methods, at the locations, at the intervals, and in the manner as the town shall prescribe); and
  - (5) Provide other information relating to discharges into the facilities of the project as the town may reasonably require to ensure compliance with prescribed pretreatment.
- (c) *Enforcement of inspection powers.* Any person obstructing, hindering or in any way causing the obstruction or hindrance of the town or any of its employees or agents in the performance of their duties or who shall refuse to permit the town or any of its employees or agents entrance into any premises, buildings, plant or equipment, or other places belonging to or controlled by any such person, shall be subject to civil and/or criminal penalties.
- (d) *Inspection prior to transferring title.* Before title to property in the Town of Bristol may be transferred, seller must obtain a certificate from the Bristol Water Pollution Control Department stating that the premises have been inspected by qualified personnel of the department within 30 days prior to the date of sale, and that the department has determined there does not exist on the property any illegal connections of sump pumps



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to the sewer line. The department must inspect the property within ten days of a request from the owner. The department, at the time of inspection, shall be allowed to charge a \$30.00 fee for the inspection. The responsibility of this charged fee will be borne by the seller before title to property is transferred.

(Ord. No. 2006-23, 8-2-06)

**Sec. 22-37. Enforcement of chapter.**

Any person violating any provision of this chapter will be subject to enforcement remedies under section 22-251.

**Secs. 22-38—22-70. Reserved.**

***ARTICLE III. USE OF PUBLIC SEWERS***

**Sec. 22-71. Deposit of excrement, garbage or objectionable wastes.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage or objectionable waste. It shall be unlawful to discharge to any natural outlet within the town, any wastewater or other polluted waters, except where in accordance with subsequent provisions of this chapter.

(Code 1972, § 18-4)

**Sec. 22-72. Use of privy, septic tank or similar facility.**

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater, except as provided in article IV of this chapter.

(Code 1972, § 18-5)

**Sec. 22-73. Mandatory connection for buildings and properties.**

- (a) Pursuant to section 14 of chapter 211 of the Public Laws of Rhode Island, 1980, the director is authorized to order the owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the town and abutting on any street or right-of-way in which there is now or may in the future be located a public sanitary sewer of the town, to install at the owner's expense suitable toilet facilities therein, and to connect such facilities directly with the public sewer. Such connections shall be made in accordance with the requirements of the director or in accordance with article V of this chapter within one year after official notice to do so, provided that such public sewer is abutting the property line.
- (b) Notwithstanding anything to the contrary in this section, the board of sewer assessment review, after a hearing on the matter and upon the recommendation of the town engineer, is empowered to waive this requirement for mandatory sewer connections if, for engineering or elevation considerations, it is impractical to connect to the public sewer and such waiver does not otherwise harm the public health and safety.

(Code 1972, § 18-6)

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**Sec. 22-74. Mandatory connection for car wash and laundry facilities.**

No person shall operate the business of a car wash, public laundry, automatic laundry or laundromat on any lot in the town unless such lot is served by a public sewer system or by a system which reclaims for reuse on the premises at least 80 percent of the water discharged from the washing facilities. This section shall not apply to any business which shall have been in operation prior to adoption of the ordinance from which this chapter derives and shall not apply to any gasoline station with a car wash stand to accommodate the washing of no more than one car at a time.

(Code 1972, § 18-7)

**Sec. 22-75. Discharge of accumulated waters; use of basement drains, areaway drains, yard drains, and roof leaders.**

It shall be unlawful for any person, by way of sump pump or otherwise, to discharge water that has accumulated at that person's business or residence due to flooding caused by rain, groundwater, or any other reason, into the public sewer system. It shall be further unlawful for any person to construct or maintain any basement drain, areaway drain, yard drain, and/or roof leader for the purpose of discharging water, regardless of its source, into the public sewer system.

(Ord. No. 2005-56, 1-5-06)

**Secs. 22-76—22-105. Reserved.**

***ARTICLE IV. PRIVATE WASTEWATER DISPOSAL***

***DIVISION 1. GENERALLY***

**Sec. 22-106. Utilized where public sanitary sewer unavailable.**

Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

(Code 1972, § 18-8)

**Sec. 22-107. Compliance with state regulations.**

The type, capacities, location and layout of a private wastewater disposal system shall comply with the Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems and amendments thereto, as adopted by the state department of health, under the authority of G.L. 1956, §§ 23-1-17, 23-1-18(6).

(Code 1972, § 18-9)

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**Sec. 22-108. Permit, inspection, and notification.**

A permit for a private sewage disposal system shall not become active until the installation is completed to the satisfaction of building inspector and an authorized representative of the state department of environmental management. They shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the approving authority when the work is ready for final inspection and before any underground portions are covered. Such system shall be covered within 48 hours after inspection and approval.

(Code 1972, § 18-10)

**Sec. 22-109. Operation and maintenance.**

- (a) The owner shall at all times operate and maintain all the private wastewater disposal facilities on his private property in a sanitary condition as is satisfactory to the building inspector at no expense to the town. No person shall deposit, or allow to be deposited in their disposal facilities, swill, rubbish or solid refuse matter, other than fecal matter.
- (b) Every owner and resident of the town shall be entitled to a partial reimbursement for biannual pumpings or cleanings of such residential private sewage disposal system. Reimbursement will be:
  - (1) Upon application to the town treasurer;
  - (2) No more than twice a year;
  - (3) No more than the actual cost to the resident; and
  - (4) No more than a maximum of \$50.00 for each pumping.

(Code 1972, § 18-11)

**Sec. 22-110. License for removal of sludge.**

No person shall engage in the business of removing the contents of privy vaults, cesspools or septic tanks, or transport through the streets within the town the contents of any privy vaults or cesspools, or carry nightsoil or other sewage, without first obtaining a license from the superintendent of water pollution control. Nothing in this section shall be construed as forbidding the owner of a privy vault, cesspool or septic tank from removing the contents therefrom, providing a permit is first obtained from the superintendent.

(Code 1972, § 18-12; Ord. No. 2013-08, 5-15-13)

**Sec. 22-111. Expiration of license and license fees.**

Any license to remove the contents of privy vaults, cesspools and septic tanks shall expire on March 31 following the date of issuance thereof, and may be revoked at any time by the superintendent of water pollution control. Upon the granting of any license and after the payment of the fee for the same in the hands of the town treasurer, the superintendent shall issue the license. Only nightsoil collected within the town may be disposed at the town's sewer facilities. The fees for the issuance of such license shall be as set forth in section 11-1 relating to fees and charges.

(Code 1972, § 18-13; Ord. No. 2013-08, 5-15-13)

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**Sec. 22-112. Tank truck requirements and hours of cleaning.**

All tank trucks shall be kept airtight and free from leakage. All apparatus used in the business shall be kept clean and well-painted, and must have the name of the licensee upon it in plain letters, and be approved by the director. No tank trucks shall be allowed to stand in any street except while in use.

(Code 1972, § 18-14)

**Sec. 22-113. Discharge requirements and fees.**

The contents of any licensed tank truck may be discharged into the wastewater treatment works of the town, provided that the contents include only wastes removed from the privies, cesspools or septic tanks located within the town, and subject to the following rules and regulations:

- (1) Every person desiring to discharge the contents of any such tank truck into the wastewater treatment works shall first obtain a permit from the director.
- (2) All such permits shall be for the calendar year in which issued and shall expire on March 31 following the date of the issuance thereof. However, the director may at any time suspend or revoke any such permit because of the violation by the holder thereof of the rules and regulations prescribed in this section, or for other just cause of complaint.
- (3) Contractors will be billed the first of each month, and payments must be made to the town treasurer prior to the next month's billing or the permit to dump wastes at the wastewater treatment works will be cancelled.
- (4) No industrial wastes of any kind will be permitted to be discharged at any point within the wastewater treatment works.
- (5) Samplings of wastes may or may not be required, before dumping, at the direction of the superintendent.
- (6) Wastes shall be discharged into the wastewater treatment works only at the grit unit or other location as directed by the superintendent.
- (7) Such contents shall be discharged into the wastewater treatment works only during operating hours, 8:30 a.m. to 3:30 p.m.
- (8) Such contents shall not contain any articles or substances which may tend to injure any part of the wastewater treatment works.
- (9) No person shall discharge into the sewer system contents removed from any privy vault, cesspool or septic tank located outside of the town, unless a license is obtained from the director of public works.
- (10) Every tank truck whose contents shall be discharged into the sewer system shall be equipped with a proper mud valve or similar device, satisfactory to the director, to ensure the clean and complete discharge of such contents into such container or receptacle as may be provided by the director.

(Code 1972, § 18-15)

**Secs. 22-114—22-129. Reserved.*****DIVISION 2. ONSITE WASTEWATER MANAGEMENT***



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**Sec. 22-130. Authority.**

This division has been drafted in accordance with and under the authority of the G.L. Tit. 45, Ch. 24.5 entitled "Towns and Cities; Wastewater Management Districts". The authorizing state chapter shall be known and cited as the "Rhode Island OWTS Maintenance Act of 1987".

(Ord. No. 2009-05, 6-3-09)

**Sec. 22-131. Findings.**

The Bristol Town Council hereby finds the following evidence in support of the establishment of an onsite wastewater management program and ordinance.

- (1) The town council finds that without proper operation and maintenance, individual sewage disposal systems or septic systems are prone to failure. Failure poses a risk to public health and a potential source of contamination to town surface waters and groundwaters.
- (2) RIDEM's Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems (OWTS) provide minimum standards for the location, design, construction and maintenance of individual sewage disposal systems. Undersized, grandfathered, nonconforming lots present a problem in terms of increased nutrient and pathogen levels associated with high-density residential development.
- (3) Septic systems located in sandy soils with fast percolation rates, particularly in areas of high water tables pose a significant threat to groundwater and receiving surface water.
- (4) Cesspools, according to RIDEM Regulations, are not an approved method of wastewater disposal and are considered substandard.
- (5) When properly designed, installed, used and maintained, septic systems provide a viable and cost-effective alternative to municipal sewers. Furthermore, within groundwater recharge areas, septic systems help maintain the hydrological balance by reducing the transport of water out of recharge areas.

(Ord. No. 2009-05, 6-3-09)

**Sec. 22-132. Purpose.**

The purpose of this division is to establish the Bristol On-Site Wastewater Management Program (BOWMP). This program will ensure that all OWTS in Bristol are properly operated, regularly inspected, and routinely maintained to prevent system malfunction and insure maximum system longevity. It establishes a framework for the efficient inspection, repair and maintenance of septic systems in Bristol and recognizes the homeowner's responsibility to ensure that their system is well maintained and properly functioning.

(Ord. No. 2009-05, 6-3-09)

**Sec. 22-133. Definitions.**

Any term not defined herein, and pertaining to septic systems shall be governed by the definition as it appears in the current Rhode Island Department of Environmental Management Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems.

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*Access riser* means a structurally sound and water tight inspection port, which at its lowest point attaches to a septic tank or other on-lot disposal system component and extends upward to the ground's surface, allowing visual inspection and where necessary physical access for the purposes of maintenance and repair.

*Contaminant* means any physical, chemical, biological or radiological substance which enters the hydrological cycle through human action and may cause a deleterious effect on ground and/or surface water resources; it shall include but not be limited to hazardous waste, nutrients, pathogens and sanitary sewage.

*Critical resource area* means sensitive land and water resources that provide unique habitat and/or important ecological or economic function(s). Such areas include, but are not necessarily limited to wellhead protection areas, watersheds of drinking water reservoirs, coastal and freshwater wetlands, coastal ponds and estuaries, aquaculture areas, and habitat for rare threatened or endangered species.

*Effluent* means sewage, water or other liquid, partially or completely treated or in its natural state, flowing out of any component of a septic system flowing over the ground's surface or beneath the ground in groundwater.

*Handbook* means the current edition of the RIDEM's Septic System Check-Up: The Rhode Island Handbook for Inspection.

*Hazardous waste* means (1) wastes which include, but are not limited to, those that are toxic, corrosive, flammable, or reactive; and/or (2) wastes as defined in the RI Hazardous Waste Management Act.

*Owner* means any person who alone or jointly or severally with others (i) has the legal title to any real property, or (ii) has possession of or control of any real property through any agent, executor, executrix, administrator, lessee or guardian of the real estate of a holder of a legal title or who has possession or control through any lease or purchase and sales agreement. Each such person is bound to comply with applicable provisions of this division.

*RIDEM* means RIDEM is defined as the State of Rhode Island, Department of Environmental Management or its successor organization.

*Septic system* means the term is used analogously with on-lot wastewater disposal system and individual sewage disposal system (OWTS). It shall mean any system of piping, tanks, disposal areas, alternative toilets or other facilities designed to function as a unit to convey, store, treat and/or dispose sanitary sewage by means other than discharge into a public sewer system.

*Violation* means failure to comply with and or adhere to the rules and regulations set forth in this division or related state regulations.

(Ord. No. 2009-05, 6-3-09)

#### **Sec. 22-134. Program administration.**

- (a) *Boundaries and jurisdiction.* The wastewater management district shall encompass the entire Town of Bristol and include all properties served by on-lot wastewater disposal systems. Under this division the town shall have jurisdiction to ensure the operation and maintenance of all existing and future septic systems.
- (b) *Administrative responsibility.* The day-to-day operation of this program including technical and administrative assistance shall be the responsibility of the water pollution control department (WPCD). The Superintendent of the WPCD or his designee shall be the administrative officer of the Bristol on-site wastewater management program. The tax collector shall be responsible for collecting all fees and fines associated with this division.
- (c) *Power and duties of the water pollution control department under this division.* It shall be the duty of the WPCD to:

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- (1) Supervise the administration of a program of surface water and groundwater protection through maintenance and inspection of on-lot sewage disposal systems as authorized by this division and G.L. Tit. 45, Ch. 24.5.
  - (2) Develop rules and regulations for the implementation of this division, which must be reviewed and approved by the town council.
  - (3) Render decisions regarding the rights and obligations of any person or owner of property that is subject to the requirements of this division.
  - (4) Contract for services with independent septage haulers, OWTS installers, OWTS Inspectors and others as necessary.
  - (5) Provide for the passage of authorized persons onto private property, when necessary and in accordance with the notice provisions of this division, for the periodic inspection, pumping, maintenance and repair of OWTS.
  - (6) Order the maintenance of OWTS based upon inspection results.
  - (7) Provide technical and administrative assistance to homeowners on all matters pertaining to OWTS maintenance, repair, upgrade and replacement.

(Ord. No. 2009-05, 6-3-09)

#### **Sec. 22-135. OWTS inspection and maintenance.**

- (a) *Purpose of OWTS inspections.* The purpose of septic system inspections is to assess its current condition to determine:
  - (1) Maintenance that is required;
  - (2) When the maintenance should be undertaken;
  - (3) The date of the next inspection; and
  - (4) The need for system repair or replacement.

Maintenance requirements shall be based upon inspection results. Information from the inspections will also be used to complete a town-wide septic inventory and to track system inspections, maintenance and upgrades.

- (b) *Who may inspect.* All septic systems shall be subject to first maintenance (baseline) inspections by a qualified, town-approved inspector. When appropriate, an inspector may also be a designee of the WPCD. Town-approved inspector(s) shall determine the maintenance and pumping requirements for each septic system based upon criteria outlined in The Rhode Island Department of Environmental Management's Septic System Check-Up: The Rhode Island Handbook for Inspection (hereinafter referred to as the handbook).
  - (1) To be approved by the town to inspect conventional systems, an inspector must satisfactorily complete the training course in the complete use of the handbook and conventional septic system inspection offered through the University of Rhode Island's Onsite Wastewater Training (OWT) Center or similar program approved by the town. A property owner who completes the homeowner maintenance workshop offered through the University of Rhode Island's Onsite Wastewater Training Center or other program approved by the town may conduct routine maintenance inspections on their own conventional OWTS.
  - (2) To inspect alternative and innovative systems an inspector, in addition to the above, must also have demonstrated knowledge in alternative and innovative technology and must satisfactorily complete the course in alternative and innovative system operation and maintenance offered through the

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University of Rhode Island's Onsite Wastewater Training (OWT) Center or similar program approved by the town.

- (3) The WPCD shall maintain a list of town-approved inspectors and make such list available to property owners for the purpose of arranging the inspection of their OWTS. The town reserves the right to remove an inspector from the list if the inspections and subsequent reports are not performed in accordance with the criteria outlined in the handbook and this division.
- (c) *Type of inspections.* At a minimum, all inspections shall follow the criteria outlined in the handbook. This division shall require two types of OWTS inspections: a) First maintenance inspection (baseline) and, b) Routine maintenance inspection.
  - (1) A first maintenance inspection of each OWTS shall be conducted in order to obtain baseline information and to determine maintenance requirements and the condition of the system. The septic tank is usually pumped as part of this inspection to better evaluate the condition of the system. First maintenance inspections involve some data gathering and location of system components that is not usually necessary for subsequent routine inspections.
  - (2) Routine maintenance inspections are generally conducted after the first maintenance inspection and may occur between pump-outs.
- (d) *Inspection frequency and notification.* In general, inspection frequency shall be based on the procedures outlined in the handbook and shall consider, but not be limited to, system age, household occupancy, tank size, sludge and scum measurements and when the system was last pumped. The WPCD or its designee, shall send written notice to septic system owners of the need to schedule an inspection of their OWTS. The first maintenance (baseline) inspection will be conducted by the WPCD, or its designated inspector. Subsequent inspections for which the property owner is responsible will generally be routine maintenance inspections unless there is a system failure. Routine maintenance inspections must be scheduled within 45 days of the date of notice. After a system has been inspected the owner will receive a report from the Inspector detailing the maintenance requirements and the timeframe for the next inspection.

The WPCD, or its designee, will conduct first maintenance inspections for each septic system within the wastewater management district over a seven-year period. As such, one-seventh of the total number of septic systems in town will be inspected each year for the first five years of program implementation. Owners will be responsible for fees associated with these inspections and related administrative costs, as discussed in section 22-138.
- (e) *Inspection reports.* Standard inspection forms shall be those used in the handbook, which may be modified by the WPCD, as needed. The property owner shall provide the OWTS inspector with all available, pertinent information, including but not limited to, the use, age, location, maintenance history and design of the OWTS. The completed inspection report shall detail the results of the inspection, pumping or other maintenance requirements, the timeframe for the next inspection and/or upgrade requirements for the OWTS. The inspector shall provide the WPCD and the property owner with a written copy of the inspection report. The WPCD shall be responsible for maintaining inspection, maintenance and upgrade records.
- (f) *OWTS maintenance schedule and OWTS owner's responsibility.* The schedule and activities for OWTS maintenance shall be described on the inspection report that inspector gives to the property owner and the town. Such maintenance requirements shall complement and may supersede any town imposed, preexisting, lot specific maintenance agreements due to such things as the granting of variances or special use permits. The OWTS owner(s) shall assume all responsibility for hiring a septage hauler or maintenance contractor to complete the maintenance and inspection requirements contained in the OWTS inspection report within the time frame required. As proof of compliance, the property owner shall submit a receipt for pumping and other system maintenance to WPCD within 45 days of the date stipulated in the OWTS inspection report.



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- (g) *Change in inspection or maintenance schedule.* The WPCD, upon written notification to the property owner and the appropriate OWTS inspector, shall have the power to change the inspection schedule and/or maintenance requirements of an OWTS, where such a change is deemed necessary for the proper functioning of the OWTS. This may occur due to circumstances including, but not limited to, change in household occupancy, seasonal use, rental status, water consumption, system functioning, site characteristics and proximity to a critical resource. Likewise, the property owner may petition WPCD to alter the inspection and/or maintenance schedule. The owner must demonstrate, through the use of appropriate site data and household information, that such a change in the requirements would still ensure the proper operation of the septic system and fulfill the intent of this division.
- (h) *Immediate need to pump.* If an inspection reveals that a septic system needs immediate pumping, the inspector shall immediately notify the property owner and the WPCD, or its designee. The WPCD will attempt to contact the owner by phone and will send the owner a written notice by certified mail informing the owner that he/she has five working days to pump the system and to present evidence of such pumping to the town. Such evidence may be in the form of a receipt from an approved septage hauler. When a system failure poses an immediate public health and/or environmental hazard, and where the WPCD has been unable to contact the owner by phone, the WPCD may arrange for the system to be pumped immediately and at the owner's expense.

(Ord. No. 2009-05, 6-3-09)

#### **Sec. 22-136. Miscellaneous regulations—OWTS operation and siting.**

- (a) *Septage disposal.* Septage or contents pumped from an OWTS shall be discharged at the town's water pollution control facility or other state-approved septage handling facility.
- (b) *Septic tank additives and improper discharges to OWTS.* The use of septic tank additives shall follow RIDEM's policy, which prohibits the use of chemical additives. The use of biological additives does not alleviate the owner from the obligations of this division. The disposal of hazardous wastes, to an OWTS is prohibited. Backwash from a water filtration system into a septic tank is harmful to the operation of the OWTS and is best discharged to a separate infiltration line. There shall be no discharge to an OWTS from rainspouts, basement sumps, floor drains, or any other drains, other than those carrying household wastewater.
- (c) *Garbage disposal.* Garbage disposal discharges to a new OWTS shall be permitted only on systems that are equipped with an oversized tank, capable of handling the excess solids, and with an effluent filter located on the tank's outlet. Existing septic systems that are linked to garbage disposals may require more frequent maintenance.
- (d) *Location, setbacks and use of innovative and alternative systems.* Location of OWTS, setbacks from critical resource areas, treatment goals and standards for various resource areas and requirements for enhanced onsite wastewater treatment are governed by the RIDEM Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems.
- (e) *Accessibility, effluent filters, inspection ports and tipping d-box.* To help facilitate the inspection and pumping of a septic tank and ultimately the longevity of the system, OWTS and septic tanks installed after the effective date of this division, shall be equipped with effluent filters and access risers to grade. Access risers shall be watertight and a minimum of 22 inches in diameter. They shall be located at the inlet and outlet ends of the septic tank. The effluent filter shall be located at the outlet end of the tank. Center access tanks shall not be used for new OWTS or for systems where the septic tank is being replaced. New OWTS installations must also include a tipping d-box or similar device approved by RIDEM for the purpose of equalizing flow distribution to all lines of the leachfield. Where technically feasible, all OWTS constructed prior to the effective date of this division should also be retrofitted with these devices.

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- (f) *Watertight septic tanks.* Any existing tank that leaks may be declared a failed system. All septic tanks installed after the effective date of this division shall be certified watertight in accordance with RIDEM minimum standards or those developed by the WPCD with approval by the town council. Tank installation must be done in accordance with manufacturer's requirements. In addition, tanks must be site tested or vacuum tested to ensure that they are watertight.

(Ord. No. 2009-05, 6-3-09)

## **Sec. 22-137. Enforcement.**

- (a) *Failure to pump, maintain or inspect.* If proof of system pumping, maintenance or inspection is not received by the WPCD, or its designee, within 30 days of the time frame within which the required activity was to occur, the WPCD may, after written notice to the owner and after no response or appeal within two weeks on the part of the property owner, hire a private septic system maintenance contractor or inspector to complete the required activity and the owner will be billed by the town. The owner will be notified by certified mail, return receipt requested, of the intended date and time of such actions. The bill will include the actual cost of pumping, maintenance or inspection as well as associated administrative costs.
- (b) *Failure to pay bill.* Failure to pay a bill incurred by the WPCD for the pumping, inspection, or maintenance of the septic system or any annual fee for program administration assessed by the town, shall constitute a lien on the owner's property. The owner shall be responsible for any associated interest, administrative and court costs.
- (c) *Notice of violation.* If upon inspection, any owner of a septic system is determined to be in violation of these regulations, a written notice shall be issued by the WPCD explaining the nature of the violation, required actions, any assistance that is available from the town, a reasonable time frame for compliance, and the possible consequences for noncompliance. If an inspection reveals a malfunctioning or failed septic system, the town-approved inspector shall immediately notify the owner and the WPCD and send a copy of the inspection report to both parties. In the event that pumping records might indicate a failed system, the WPCD shall notify the owner in writing. A copy of said notice shall also be sent to RIDEM. The owner shall be given 30 days to apply to RIDEM for a permit to repair or replace the system as necessary. A copy of the application to RIDEM shall be provided to the WPCD. The homeowner shall notify the town as to the expected timetable for repairs to be completed.
- (d) *Failure to repair.* If the owner of a failed OWTS does not accomplish the repairs within the time schedule established, the WPCD superintendent will take the enforcement action provided for in this division and/or the building official will take the enforcement action provided for in the RI State Building Code.
- (e) *Administrative conference.* A person is encouraged to resolve issues at an informal administrative level before appealing a decision of the WPCD. Any owner of an OWTS who is aggrieved by any action or finding of the WPCD shall have the right to an administrative conference. Representatives at the administrative conference shall include the WPCD superintendent or his designee, the building official, the town administrator and a designated member of the town council. An administrative conference shall be convened within ten workdays following the request, and earlier whenever possible. A written consent agreement, signed by the town and the OWTS owner, shall outline the specifics of any agreement developed as a result of an administrative conference. The appeal period set forth in subsection 22-137(f) shall be stayed pending the outcome of an administrative conference.
- (f) *Appeals.* Any party aggrieved by a decision of the administrative officer shall have the right to appeal that decision to the building code board of appeals by the following procedure:
- (1) The appeal must be taken within 20 days of notification of the decision.

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- (2) The appeal shall be in writing and shall state clearly the factual and/or legal issue(s) or decision that is being appealed, the reason for the appeal, and the relief sought.
  - (3) The appeal shall be filed with the office of the town clerk.
  - (4) Upon receipt of an appeal, the building code board of appeals shall require the administrative officer to transmit forthwith to the building code board of appeals all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.
  - (5) An appeal shall stay all proceedings in furtherance of the action being appealed. Under no circumstances, however, shall an OWTS that presents an immediate public health and/or environmental threat be allowed to continue to do so during the appeal process.
- (g) *Building code board of appeals standard of review.* In exercising its powers the building code board of appeals may, in conformity with the provisions of this division, reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make any orders, requirements, decisions, or determinations that ought to be made, and to that end has the powers of the administrative officer from whom the appeal was taken.
- (h) *Appeals to the district court:*
- (1) An aggrieved party may appeal a decision of the building code board of appeals to the district court by filing a complaint setting forth the reasons of appeal within 30 days after the decision has been recorded in the town clerk's office.
  - (2) Within 30 days after being served with a copy of the complaint, the building code board of appeals shall file certified copies of the building code documents acted upon by it and constituting the record of the case appealed from, together with such other materials as may be pertinent, with the clerk of the court.
  - (3) The court shall review the matter in accordance with the provisions of G.L. § 42-35-15.
- (i) *Penalties.* Any person neglecting or refusing to comply with a written notice of violation issued under the provisions of this division may be fined not more than \$500.00 per violation. Each day of a continuing violation shall constitute a separate and distinct violation. All fines shall be used for the administration and implementation of the Bristol On-Site Wastewater Management Plan.

(Ord. No. 2009-05, 6-3-09)

#### **Sec. 22-138. Financing.**

- (a) *Fee structure.* The town council shall have the authority to raise funds for the administration, operation, contractual obligations, and services of the Bristol On-Site Wastewater Management Program. Any funds collected or raised for purposes of implementing the Bristol On-Site Wastewater Management Plan shall be kept as a dedicated account separate from the town's general fund.
- (b) *Grant and loan program.* The town under the authority of the state legislature shall have the authority to issue bonds or notes or to receive grants for the purpose of establishing a revolving fund. This fund may be used to make low interest loans or grants available to qualified property owners for the improvement, correction, or replacement of a failed OWTS.

(Ord. No. 2009-05, 6-3-09)

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**Sec. 22-139. Education.**

A public education program shall be developed by the WPCD, or its designee, and approved by the town council, to inform people about the benefits and goals of the BOWMP. The educational program shall include, but not be limited to the following:

- (1) Proper operation and maintenance of septic systems.
- (2) Proper disposal of hazardous waste, including household hazardous waste.
- (3) Water conservation and the development of a water conservation program. Protection of critical resource areas.
- (4) Use of environmentally sensitive cleaning products.
- (5) Use of alternative and innovative treatment technology.
- (6) Availability of any grant and/or loan funds for septic system repair.

(Ord. No. 2009-05, 6-3-09)

**Sec. 22-140. Severability.**

If any provision of this division or any rule or determination made hereunder, or application hereof to any person, agency, or any circumstances is held invalid by a court of competent jurisdiction, the remainder of this division and its application to any person, agency, or circumstance shall not be affected thereby. The invalidity of any section or sections of this division shall not affect the validity of the remainder of this division.

(Ord. No. 2009-05, 6-3-09)

**Secs. 22-141—22-145. Reserved.*****ARTICLE V. BUILDING SEWERS AND CONNECTIONS*****Sec. 22-146. Permits.**

- (a) No connection of private property or public property with the town's sewer system shall be made until the owner of the land, or his duly authorized agent, has made application in writing to the director for permission to make the connection, and has been granted such permission.
- (b) There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner shall apply using the form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the director. A permit and inspection fee shall be paid according to the current fee schedules maintained by the building inspector's office and established by the town council.
- (c) Upon approval of the application by the director, the director shall authorize the building inspector to issue a permit for such installation to a duly licensed plumber or underground utility contractor.

(Code 1972, § 18-16; Ord. No. 2015-08, 6-10-15)



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**Sec. 22-147. Separate and connecting building sewers.**

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. The rights appurtenant to such single connection or extension from a front building to a rear building shall be recorded with each of the respective deeds.

(Code 1972, § 18-17)

**Sec. 22-148. Investigation of existing sewer service connections.**

An investigation of private sewers or drains and sewer service connections within the street limits laid previous to the adoption of the ordinance from which this chapter derives may be made at the discretion of the director to determine if such private sewers and sewer connections are properly located, laid at suitable gradient, in good condition, with proper and suitable appurtenances and in every way satisfactory to the director.

(Code 1972, § 18-18)

**Sec. 22-149. Costs and expenses.**

All costs and expenses incident to the installation and connections of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1972, § 18-19)

**Sec. 22-150. Extension of sewer system.**

- (a) Any person developing a plat of land in the town shall, at his own expense, install sewer lines and service stubs or wyes in such plat and shall connect the same with the existing sewer system according to town-approved plans where the system is within 200 feet (60.6 meters) of the subdivision. Where the existing sewer system is beyond 200 feet (60.6 meters), or where no town-approved plans are available, each lot shall be designed insofar as feasible to permit the location of an individual sewage disposal system between the building site and the street.
- (b) Connection to the public sewer system shall be in compliance with the terms and conditions set forth in the following:
  - (1) The entire cost of the installation of all sewer pipes to serve any such plat or any part thereof shall be paid by the developer. The entire cost shall include the cost of all engineering services, both preliminary to and during the actual installation of such sewer pipes, and the costs of all materials, services, labor and supplies for constructing and laying out sewers and connecting the sewers with the town's sewer system.
  - (2) The developer, before proceeding with the installation of sewer lines in any such plat or any part thereof, shall submit plans and specifications to the director relative to the proposed construction in accordance with the standard construction details of the town. If the director approves such plans and specifications, the developer shall submit the name of a qualified sewer contractor to do the work,

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together with a breakdown of items, quantities and unit prices for the project. After investigating the qualifications of the proposed contractor and reviewing the breakdown submitted, the director shall make the final determination whether to allow the contractor to proceed or to request that another contractor be submitted for approval.

- (3) The construction and laying out of all sewer lines pursuant to this section shall be subject to the inspection of the director. If at any time the director shall determine that the construction and laying out of such sewer lines is not being performed in accordance with the plans and specifications, as approved, he shall forthwith notify the developer to this effect in writing, who shall then order the suspension of all further work by and of payments to the contractor until such corrections are made as will produce complete compliance with the plans and specifications.
- (4) All sewer lines constructed pursuant to the provisions of this article shall become the property of the town. After such sewer lines have been connected with the public sewer, all the normal costs of operating and maintaining them shall be borne by the town. However, the town may backcharge the contractor for any abnormal conditions for a period of six months after acceptance.
- (c) Abutting lands to sewer lines with building laterals that are extended through an existing dedicated or improved street to serve a plat as described in subsection (b) of this section and are constructed at the expense of any person, group of persons or developer shall be assessed/based on each home site served by the installation of the sewer line in an existing dedicated or improved street. In the case of construction by other than the town for sewer lines extended through an existing dedicated or improved street to provide sewer lines to a plat or other dwelling, reimbursements of the assessment charge less ten percent for administrative fees shall be paid to the person, group of persons or developer at the time assessment fees are paid in full or the yearly assessment has been paid to the town. It will be the responsibility of the person, group of persons or developer to seek reimbursements from the town. Total reimbursement shall not exceed the total cost of construction less ten percent for administrative fees. All requests for sewer system extensions which will be seeking reimbursements must meet the following requirements:
  - (1) To be certified before construction begins:
    - a. Project approval from the town council.
    - b. The town clerk's stamp of approval indicating town council approval.
    - c. Plans approved by the town engineer and WPCF superintendent.
  - (2) The portion of the cost not covered by assessments shall be the responsibility of the person, group of persons or developer. No town financial reimbursement will be provided unless the conditions of subsection (c)(1) of this section are met before construction.

(Code 1972, § 18-20; Ord. No. 1997-03, 7-16-97)

#### **Sec. 22-151. Sanitary sewer standards.**

The following design standards for sanitary sewers are considered acceptable:

- (1) At the juncture between a sewer and one of larger diameter, the inverts of the sewers shall be designed so that the peak flow lines match.
- (2) Velocities greater than 12 feet per second (3.7 mps) or less than two feet per second (0.61 mps), when flowing, will be unacceptable.
- (3) Installing a smaller sewer downstream from a larger sewer in general will be considered unacceptable.
- (4) Sewers of a diameter from eight inches (20.3 cm) through 21 inches (53.3 cm) shall be designed so that they are flowing at a depth no greater than 0.6 times the diameter of the sewer at peak flow rates.

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- (5) Sewers of a diameter larger than 21 inches (53.3 cm) shall be designed so that they are flowing at a depth no greater than 0.7 times the diameter of the sewer at peak flow rates.
  - (6) Sewers shall be designed using a Manning's "n" of 0.013 constant with depth.
  - (7) No public sewer shall be less than eight inches (20.3 cm) diameter.
  - (8) Manholes shall be installed at the end of each line; at all changes in grade, size or alignment; at all intersections; and at distances not greater than 400 feet (121.4 m), or as approved by the director.
  - (9) Manholes shall be constructed of precast reinforced concrete, American Society for Testing and Materials Designation C478, latest edition; concrete masonry units, ASTM designation C139, latest edition; or as approved by the director.
  - (10) Sewer pipe shall be extra strength clay pipe, ASTM Designation C700, latest edition; asbestos cement, ASTM Designation C428, latest edition; PVC gravity sewer pipe, ASTM D3034; or as approved by the director. All pipe shall have compression joints as per appropriate ASTM designation, or as approved by the director.
  - (11) All sanitary sewers and appurtenances shall be designed and constructed in accordance with WPCF Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers," latest revision.

(Code 1972, § 18-21)

#### **Sec. 22-152. Service connection standards.**

Sewer service connections from the public sewer to the street line shall be laid at such depth and gradient and in such location as the director may determine. No sewer service connection shall serve more than one building, except by permission of the director. All pipe shall have compression joints. The following design standards for building sewers, are considered acceptable:

- (1) The pipes for building sewers from the public sewer to the property line shall be six inches (15.2 cm) in diameter, but larger sizes may be required by the director. The building sewer from the property line to the building drain shall be a minimum of four inches (10.2 cm) in diameter, but larger sizes may be required by the director. All such pipes shall conform to section 22-151(10). Building sewer pipes shall be laid with a minimum gradient of at least one-quarter of an inch per foot (2.1 cm/m). Such pipes shall be laid accurately to straight lines and gradients, except that junctions with public sewers shall be made at an angle, by installing a six-inch (15.2 cm) by six-inch (15.2 cm) wye or tee as shown in the service connection detail in appendix A of this chapter which is not printed in this Code but a copy of which is on file and available in the town offices, such that flow from the building sewer shall not be opposite in direction to the flow in the public sewer. Where depth of the public sewer is such that a chimney is required, such chimney shall be installed per appendix A which is not printed in this Code but a copy of which is on file and available in the town offices. Special means for flushing and cleaning (cleanouts) in accordance with the particular requirements of the director shall be provided in the building sewer at 75-foot increments, at all significant changes in direction and as otherwise required by the director. The connection of the building sewer into the public sewer shall be made at the wye or tee branch, if such branch is available at a suitable location. If no branch is available, a connection must be made by tapping the existing sewer by an approved method, then inserting an approved wye or tee saddle, all encased in concrete. Approval of tapping method and saddle shall be made by the director.
- (2) No service pipes for other utilities, such as water, gas and the like, whether town-owned or privately owned, shall be laid in the same trench with a building sewer, except by written approval of the director.

(Code 1972, § 18-22)

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**Sec. 22-153. Lifting of sewage.**

The building sewer shall be brought to the building at an elevation above the basement floor so as not to allow gravity sewage flow from any basement area sanitary devices such as: toilets, sinks, washing machines, etc. Any sanitary devices located in the basement must be connected to a separate drain, and the sewage from these devices must be lifted by means of a sewage pump and discharged to the building sewer, upon the approval of the director. However, the town shall have no responsibility for the operation and maintenance of such equipment.

(Code 1972, § 18-23; Ord. No. 2006-20, 7-19-06)

**Sec. 22-154. Prohibited connections.**

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

(Code 1972, § 18-24)

**Sec. 22-155. Requirements for connection.**

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 and/or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, latest edition. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(Code 1972, § 18-25)

**Sec. 22-156. Requirements for excavation.**

All excavation 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.

(Code 1972, § 18-26)

**Sec. 22-157. Inspection of connection.**

The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director.

(Code 1972, § 18-27)

**Sec. 22-158. Discontinuance of use.**

Whenever any user under this article shall cease operation, notice shall be given to the building inspector, and the waste lines employed by such user shall be sealed under the supervision of the building inspector.

(Code 1972, § 18-28)

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**Sec. 22-159. Sewer service under unusual conditions.**

- (a) Where an abutting town has installed sewer lines to serve their residents and possibly the Town of Bristol's residents, and where such sewer flows into the town's sewer system, such residents served shall pay the annual sewer assessment fee to help defray the operation and maintenance cost of the wastewater facilities.
- (b) Where an abutting town has residents that can be entirely served by the town's sewer system, these owners shall be subject to the annual sewer assessment fee.
- (c) Where industries are located either in the town or in an abutting town and where industries are to be served by reciprocal agreements, then under these cases agreements must be drawn and approved by the town council.

(Code 1972, § 18-29)

**Sec. 22-160. Removal of existing steel septic tanks.**

Whenever a steel septic tank is disconnected and/or abandoned, such steel tank shall be removed and properly disposed of. The raining hole shall then be filled in with suitable material.

(Code 1972, § 18-30)

**Sec. 22-161. Maintenance of lateral sewer lines.**

All repairs to and cost of maintenance of lateral sewer lines beginning at the sewer main in the public street and extending to the owner's residence or building shall be made at the expense of the owner. If such lateral lines are not repaired promptly following written notice of need thereof, the town reserves the right to discontinue the service without further notice. The town shall in no event be responsible for maintenance or for damage done by the sewage escaping from the lateral line or any other pipe or fixture on the owner's side of the property line.

(Ord. No. 2006-05, 3-8-06)

**Secs. 22-162—22-190. Reserved.**

***ARTICLE VI. RATE AND QUALITY OF WASTEWATER DISCHARGED INTO PUBLIC SEWERS***

**Sec. 22-191. Inadmissible waters.**

Stormwater, groundwater, roof drainage, street drainage, yard drainage or subsurface drainage shall not be discharged through direct or indirect connections to the public sanitary sewer of the town.

(Code 1972, § 18-31)

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#### Sec. 22-192. Unpolluted waters.

Unpolluted water including, but not limited to, cooling water, process water or blow-down from cooling towers or evaporative coolers shall be discharged to such sewers as are specifically designated as storm drains, or to a natural outlet upon receiving approval from applicable local, state and federal agencies as required.

(Code 1972, § 18-32)

#### Sec. 22-193. Garbage grinder wastes.

Waste from garbage grinders shall not be discharged into a public sewer except:

- (1) Waste generated in preparation of food normally consumed on the premises; or
- (2) Where the user has obtained a permit from the director, and agrees to undertake whatever self-monitoring is required to enable the town to determine equitably the charges and fees based on the waste constituents and characteristics.

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.

(Code 1972, § 18-33)

#### Sec. 22-194. Restricted waters and wastes.

- (a) *General prohibitions.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - (1) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater facilities.
  - (2) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities.
  - (3) 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 wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - (4) Any wastewater having a temperature which exceeds 104 degrees Fahrenheit (40 degrees Celsius) at the influent to the wastewater treatment plant.
- (b) *Limited prohibitions.* Discharge of the following described substances, materials, waters or wastes shall be limited to concentrations or quantities approved by the director if it appears likely that such wastes can harm either the sewers, wastewater treatment process, or equipment or will cause a disruption of the POTW's sludge process, use or disposal have an ~~adverse effect~~adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in sewers, materials of construction of the sewers, nature of the



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wastewater treatment process, capacity of the wastewater treatment works, degree of treatability of wastes in the wastewater treatment works and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65.9 degrees Celsius); provided, however, that the temperature at the influent to the wastewater treatment plant does not exceed 104 degrees Fahrenheit (40 degrees Celsius).
- (2) Any water or waste containing more than 100 mg/l of oil or grease of animal or vegetable origin, containing more than 25 mg/l of oil or grease of mineral or petroleum origin, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65.9 degrees Celsius).
- (3) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (4) Any waters or wastes containing objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such discharge exceeds limits established by this chapter at the point of discharge into the public sewer.
- (5) Any waters or wastes containing phenols or other taste-producing or odor-producing substances, in such concentrations exceeding limits which may be established under this chapter as necessary, to meet the requirements of state, federal or other public agencies.
- (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established under this chapter in compliance with applicable state or federal regulations.
- (7) Any waters or wastes having a pH in excess of 9.5.
- (8) Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, COD, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting slugs.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment works effluent cannot meet the requirements of state, federal or other agencies having jurisdiction over discharge to the receiving waters.

(Code 1972, § 18-34)

#### **Sec. 22-195. Regulation of discharge of restricted wastes.**

- (a) Prior to the discharge of any waters or wastes which contain substances or possess the characteristics enumerated in section 22-194, a person must obtain a discharge permit from the director. The director may require that the discharge permit include requirements for:
  - (1) Pretreatment, under the industrial pretreatment program described in article VII of this chapter to an acceptable condition for discharge to the public sewers;
  - (2) Control over the quantities and rates of discharge; and

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- (3) Payment in the form of surcharges, calculated according to the latest rate structure, to cover the added cost of handling and treating the wastes.
  - (b) The director may take any of the following actions prior to authorizing discharge of waters or wastes which contain substances or possess the characteristics enumerated in section 22-194:
    - (1) Reject the wastes;
    - (2) Revoke a discharge permit; and/or
    - (3) Take any other administrative sanctions, enforcement actions, and remedial actions as may be desirable, necessary or permitted to achieve the purpose of this chapter.

(Code 1972, § 18-35)

#### **Sec. 22-196. Pretreatment and flow equalization facilities.**

If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval of the director, and subject to the requirements of all applicable state and federal codes, ordinances and laws. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they should be maintained continuously and in satisfactory and effective operation by the owner at his expense.

(Code 1972, § 18-36)

#### **Sec. 22-197. Grease, oil, and sand interceptors.**

Commercial entities must provide grease, oil, and sand interceptors for the proper handling of liquid waste containing grease in excessive amounts, or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall be provided at restaurants and other public eating places. Grease, oil, and sand interceptors shall be maintained in continuous and satisfactory and effective operation by the owner at his expense.

(Code 1972, § 18-37; Ord. No. 2004-34, 9-15-04)

#### **Sec. 22-198. Grease removal systems.**

Grease removal systems must be installed at all connections to the town's facilities from users conducting food preparation or food processing operations including, but not limited to, restaurants, nursing homes, schools, hospitals or other connections which discharge or have the potential to discharge quantities of grease to the town's facilities in excess of allowable standards. Grease removal systems must be installed according to the following specifications:

- (1) No wastewater, other than from kitchen fixtures or food processing equipment, shall discharge into the grease removal system unless approved by the town in writing. Wastewater from sanitary sources, such as toilets and bathroom sinks, is prohibited from being discharged to the grease removal system.
- (2) All users, with an approved seating capacity of fewer than 40 individuals, must install a passive, under-the-counter grease interceptor. All users, with an approved seating capacity of 40 or more individuals, must install an electrical/mechanical grease removal unit. All such units shall be sized appropriately for discharge as determined by the town.

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- (3) In-ground grease removal systems shall have a minimum depth of four (4) feet and a minimum capacity of five hundred (500) gallons, and shall have sufficient capacity to provide at least a 24-hour detention period for the process flow. The minimum process flow shall be based on fifteen (15) gallons per seat, or chair per day, based upon actual water usage for existing facilities.
  - (4) A suitable sampling location shall be provided for sampling of the discharges from grease removal systems. Any plans for such grease removal systems as required in this section shall be submitted for town review and approval prior to installation. The town must be notified 72 hours prior to installation of any grease removal device in order to inspect and oversee the installation. All automatic electrical/mechanical grease removal systems must have a sampling valve installed on the discharge piping with a minimum clearance of eight (8) inches for the installation of sampling bottles.
  - (5) The owner(s) shall be responsible for cleaning and maintaining the grease removal systems and shall maintain records of the dates of cleaning and means of disposal, subject to review by the town. Any removal and hauling of the collected materials not performed by the owner(s) must be performed by licensed waste disposal firms.
  - (6) All wastewater from food preparation operations and/or washing and clean-up operations, including but not limited to pot sinks, pre-rinse stations, work station, soup kettles, braising pans, mop sinks, and wastewater generated from exhaust fan hood cleaning operations must discharge to the grease removal device. All automatic dishwasher wastewater, excluding pre-rinse stations, may not be discharged into any grease removal device. Dishwasher wastewater must bypass the grease removal device and be discharged directly into the sewer system. All dishwasher wastewater from the pre-rinse station must discharge to the grease removal device.
  - (7) Garbage disposal units may only be installed in facilities with properly sized and operational in-ground passive type grease interceptors which have been properly designed for retention of settleable solids. Garbage disposal units are prohibited in all other commercial or industrial facilities. Garbage disposal waste shall not be discharged into automatic electrical/mechanical type grease removal systems.

(Ord. No. 2004-34, 9-15-04)

**Secs. 22-199—22-230. Reserved.**

## **ARTICLE VII. INDUSTRIAL PRETREATMENT PROGRAM**

### ***DIVISION 1. GENERALLY***

#### **Sec. 22-231. Applicability of article.**

This article shall apply to all industrial users of the POTW which discharge into the POTW.

#### **Sec. 22-232. Special agreements.**

Nothing in this article shall be construed as preventing any special agreement or arrangement between the POTW and any industrial user whereby wastewater of unusual strength or character is accepted into the POTW and specially treated and subject to any payments or user charges as may be applicable. However, no discharge which violates pretreatment standards will be allowed under the terms of such special agreements. If in the opinion of the pretreatment coordinator the wastewater may have the potential to cause or result in pass through, interference or the endangering of municipal employees or the public, no special agreement will be made.

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Furthermore, any such special agreement or arrangement shall not violate the requirement of the industrial pretreatment permit approved by the state department of environmental management.

(Ord. No. 1999-12, 6-23-99)

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## Sec. 22-233. Reporting requirements.

(a) *Base-line monitoring.* Base line monitoring shall be as follows:

- (1) Within either one-hundred and eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the pretreatment coordinator, a report which contains the information listed in subsection (a)(2) of this section. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the pretreatment coordinator, a report which contains the information listed in subsection (a)(2) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical-pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (2) The following information must be submitted by the industrial users as required in subsection (a)(1) of this section:

- a. Identifying information, including the name and address of the facility, and the name of the owner and operator of the facility.
- b. A list of any environmental control permits held by or for the facility.
- c. A brief description of the nature, average rate of production, and Standard Industrial Classifications (SIC) codes of the operations carried out by such user. Such description should include a schematic process diagram which indicates points of discharge to the POTW for the regulated processes.

- d. Flow measurement. Information showing the measured average daily and maximum daily flows, in gallons, per day to the POTW from regulated process streams and other streams as necessary to allow use of combined waste stream formulas set out in 40 CFR 403.6(e).

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- e. The measurement of pollutants including:

1. The categorical pretreatment standards applicable to each regulated process; and
2. The results of sampling and analysis identifying the nature and concentration and/or a mass where required by the standard or by the pretreatment coordinator, of regulated pollutants in the discharge from each regulated process.

Instantaneous, daily maximum and long term average concentrations or mass, where required, shall be reported. The sample shall be representative of the daily operations and shall be analyzed in accordance with the procedures set out in section 22-243(b); sampling must be performed in accordance with the procedures set out in section 22-243(c).

- f. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pre-treatment standards are being met on a consistent basis, and if not, what additional operation and maintenance (O&M) or additional pretreatment is required to meet the pretreatment standards and requirements.

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- g. Compliance schedule. If additional pretreatment and/or operations and maintenance (O&M) will be required to meet the pretreatment standards, the shortest schedule by which the user will

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provide such additional pretreatment and/or O&M must be met. The completion date in this schedule shall not be later than the compliance date established for applicable pretreatment standards. A compliance schedule pursuant to this section must meet the requirements set out in subsection (b) of this section.

h. Signatory certification. All baseline monitoring reports must be signed and certified in accordance with section 22-277.

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- (b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by subsection (a) of this section: The schedule shall contain process increments in the form of dates for commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operations. No increment referred to in this subsection shall exceed nine (9) months. The industrial user shall submit a progress report to the pretreatment coordinator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule; and in no event shall more than nine months elapse between each such progress report to the pretreatment coordinator.
- (c) *Report on compliance with categorical pretreatment standards deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user, subject to such pretreatment standards and requirements, shall submit to the pretreatment coordinator a report containing the information described in subsections (a)(2) ~~d~~ — (a)(2) ~~h~~ f of this section. For industrial users, subject to equivalent mass concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other users subject to categorical pretreatment standards, expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the industrial user's actual production during the appropriate sampling. All compliance reports must be signed and certified in accordance with section 22-277.
- (d) *Periodic compliance reports.* Periodic compliance reports shall be submitted by industrial users as follows:
- (1) All SIUs shall submit to the pretreatment coordinator during the month of March, June, and December, unless required more frequently in the pretreatment standard or by the pretreatment coordinator, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must include the certification statement as set forth in section 22-277(c) and shall be signed in accordance with section 22-277(d). ~~be signed and certified in accordance with section 22-277.~~
  - (2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. Failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample is unrepresentative of its discharge.
  - (3) The pretreatment coordinator may impose mass limitations on industrial users which are using dilution to meet the applicable pretreatment standards or requirements or on other cases where the imposition of mass limitations are appropriate. In such cases the report required by subsection (d)(1) of this section should indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user. These reports shall contain the results of sampling and analysis of the discharge,

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including the flow and nature, and concentration or production and mass where requested by the pretreatment coordinator, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with the procedures established by the director pursuant to section 304(G) of the act and contained in 40 CFR 136 and amendments thereto, or with any other tests or procedures approved by the administrator. Sampling shall be performed in accordance with the techniques in accordance with section 22-243(c).

(4) If an SIU is monitoring any regulated pollutant at the appropriate sampling location more frequently than required by the POTW, the results of this monitoring shall be included in the periodic compliance report for that evaluation period.

- (e) *Report of changed conditions.* Each industrial user must notify the pretreatment coordinator of any planned significant changes to user's operations or system which might alter the nature, quality or volume of its wastewater at least ninety (90) days before the change. The pretreatment coordinator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including a submission of a wastewater discharge permit application under section 22-277. The pretreatment coordinator may issue a wastewater discharge permit under section 22-278 or modify an existing wastewater discharge permit under section 22-277 in response to changed conditions or anticipated changed conditions. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and a discharge of any previously unreported pollutants.
- (f) *Reports of potential problems.* In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine and episodic nature, non-customary batch discharges, ~~or~~ slug loads that may cause potential problems for the POTW, or any changes to the facility or its operations affecting the potential for a slug discharge, the industrial user shall immediately telephone and notify the pretreatment coordinator of the incident or the added potential for an incident. This notification shall include the location of the discharge, type of waste, concentration and volume (if known), and corrective actions taken by the industrial user. Within five days following such a confirmed slug discharge, the industrial user shall, unless waived by the pretreatment coordinator, submit a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent such similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of the damage to the POTW, natural resources, or any other damage to personal property; nor shall such notification relieve the user of any fines, penalties or other liabilities which may be imposed pursuant to this chapter. A notice shall be permanently posted on the industrial user's bulletin board or other permanent place advising employees whom to call in the event of a discharge described in above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.
- (g) *Reports of unpermitted users.* All users now required to obtain a wastewater discharge permit shall provide appropriate reports to the pretreatment coordinator as may be required.
- (h) *Notice of violation; repeat sampling and analysis report.* If sampling performed by an industrial user indicates a violation, the industrial user must notify the pretreatment coordinator within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the pretreatment coordinator within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the pretreatment coordinator monitors at user's facility at least once a month.
- (i) *Notification of the discharge of hazardous waste.*

(1) Any industrial user who commences the discharge of hazardous waste shall notify in writing the POTW, the EPA regional waste management division director and any state hazardous waste authorities of any

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discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR 261.

- (2) Such notification must include the name of the hazardous waste as set forth at 40 CFR 261, EPA hazardous waste number, and the type of discharge (continuous batch or other).
- (3) If the user discharges more than ~~100 one hundred~~ kilograms (100 kg) of such waste per calendar month to the POTW, the notification also shall include the following information to the extent such information is known and readily available: Identification of the hazardous constituents contained in the waste; an estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month; and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months, to the extent this information is known and readily available.
- (4) All notifications must take place no later than one-hundred and eighty (180) days after the discharge commences. Any notification under this subsection need to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (e) of this section.
- (5) In the case of any notification made under this section the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practicable. This subsection does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter or permit issued under this chapter, or any applicable federal or state law.

(Ord. No. 1999-12, 6-23-99)

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#### Sec. 22-234. Prohibited discharge standards.

- (a) No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. This general prohibition applies to all industrial users of the POTW whether or not they are subject to national categorical pretreatment standards or any other national, state or local pretreatment standard or requirement.
- (b) No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
  - (1) Pollutants which create a fire or explosive hazard in the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test method specified at 40 CFR 261.21;
  - (2) Wastewater having a pH of less than 5.0 or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in an amount which will cause obstruction of the flow in the POTW resulting in interference;
  - (4) Pollutants, including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentrations which, either singularly or by interaction with other pollutants will cause interference with the POTW;
  - (5) Wastewater which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius);

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- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants except at discharge points designated by the pretreatment coordinator in accordance with section 22-242; and
- (9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singularly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or to prevent entry into the sewers for maintenance or repairs.

#### Sec. 22-235. National categorical pretreatment standards.

- (a) Upon promulgation the national categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405—471 are hereby incorporated, if subject to the following:
  - (1) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternative limit using the combined wastestream formula in 40 CFR 403.6(e).
  - (2) An industrial user may obtain a variance from the categorical pretreatment standard if the user can prove as required in 40 CFR 401.13 that factors relating to the discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (b) National categorical pretreatment standard for a particular industrial subcategory shall immediately supercede the applicable limitation imposed under sections 22-236 and 22-237 if more stringent than the limitation imposed under these sections.

#### Sec. 22-236. Local limits.

- (a) No user shall discharge or cause or allow to be discharged, either directly or indirectly into the POTW any substance, water, or wastewater which has concentrations of substances listed below in excess of the following daily maximum limit: assigned daily maximum discharge limitations. These limitations specifically apply where wastewater is discharged to any part of the POTW, there will be no waivers or exceptions granted with respect to compliance with any of the limits listed below, and the POTW has the authority to establish individual user local limits, pursuant to 40 CFR 403.5(c), if the user is at high risk of violation, pass-through, or interference.

Constituent	Milligrams per liter
Biological oxygen demands	4,000
Total suspended solids	4,000
Chromium (total)	2.77
Copper (total)	3.38
Cyanide (total)	1.20
Lead (total)	0.69
Nickel (total)	3.98
Silver (total)	0.43
Zinc (total)	1.05

Total toxic organics (TTO) summation of all quantifiable values greater than 1.00 milligram per liter for any single toxic organic listed in EPA methods 608, 624 and 625.	2.13
Total toxic organics (TTO) any single parameter	1.00

- (b) Persons subject to state or federal categorical pretreatment standards may, as a condition of their wastewater discharge permit, be required to meet more stringent standards than those listed in subsection (a) of this section.
- (c) When the pretreatment coordinator finds that a user has exceeded a daily limit of 1,250 milligrams per liter (mg/L) of either biological oxygen demand (BOD) or total suspended solids (TSS), the pretreatment coordinator shall assess a surcharge to such user equivalent to the yearly permit fee for each instance of BOD or TSS discharged, which is over 1,250 mg/L of BOD or TSS discharged; a surcharge under this subsection shall not exceed three times the yearly permit fee.
- (d) When the pretreatment coordinator finds that a user has exceeded the total daily limit of 4,000 mg/L, the pretreatment coordinator shall fine such user in accordance with section 22-251, section 22-254, and Bristol's Enforcement Response Plan.
- (e) All surcharges and fines within this section shall be assessed on a per incident basis. In the case of ongoing violations, fines shall be assessed for each day during the period of violation.
- (Ord. No. 1999-12, 6-23-99; Ord. No. 2016-12, 8-24-16; Ord. No. 2019-13-, 10-30-19)

#### **Sec. 22-237. State requirements and best management practices.**

- (a) State requirements and limitations on discharges shall apply in any case where they are more stringent than the federal requirements and local limitations.
- (b) Best management practices required by any pretreatment standard, any local limit, or state or local law shall apply where appropriate.
- (Ord. No. 2008-11, 7-9-08)

#### **Sec. 22-238. Right of revision.**

The town reserves the right to establish further rules and regulations and more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this chapter.

#### **Sec. 22-239. Pretreatment of wastewater.**

Industrial users shall provide wastewater treatment as is necessary to comply with this chapter and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibition set out in sections 22-234—22-236 within the time limit specified by EPA, the state, or the pretreatment coordinator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the industrial user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the pretreatment coordinator for review and shall be acceptable to the pretreatment coordinator before such facilities are constructed. Review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the town under the provisions of this chapter.



#### Sec. 22-240. Dilution prohibition.

No industrial user shall ever increase the use of process wastewater or water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a national pretreatment standard or requirement. The pretreatment coordinator may impose mass limitations on users for using dilution to meet applicable pretreatment standard or requirements or in other cases where the imposition of mass limitations is appropriate.

#### Sec. 22-241. Accidental Prohibited and accidental discharges.

- (a) ~~(a)~~ If any wastewater is discharged or is proposed to be discharged to the POTW in violation of the limitations or prohibitions listed in Sec. 22-234 and 236 of this chapter, Bristol's Superintendent or Pretreatment Coordinator may in their sole discretion:

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- (1) Reject the waste;
- (2) Require a discharger to demonstrate and implement those in-plant modification which will reduce or eliminate the discharge of such substances;
- (3) Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances, so that the discharge will not violate this chapter;
- (4) Require controls to be installed which will regulate the quantities and rates of discharge;
- (5) Require surcharge payments to be made to the Town of Bristol to cover its added cost of handling, monitoring, and treating the wastes which exceed threshold values;
- (6) Revoke a discharger's permit; and
- (7) Take any other administrative sanctions, enforcement actions, and remedial actions as may be desirable, necessary, or permitted to achieve the purpose of this chapter.

Each user shall provide protection from accidental discharges of prohibited materials or other substances regulated by this chapter. Equipment to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing equipment and operating procedures to provide this protection shall be submitted to the town for review and shall be approved by the town before construction. All existing industrial users shall complete such a plan within 90 days of the effective date of the ordinance from which this program derives. No industrial user who commences contribution into the POTW after the effective date of the ordinance from which this program derives shall be permitted to introduce pollutants into the POTW until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify equipment as necessary to meet the requirements of this chapter.

(b) \_\_\_\_\_

- (c) ~~(b)~~ In the case of an accidental discharge it is the responsibility of the industrial user to immediately telephone and notify the town of the incident. A notification must include the following:

- (1) Location of discharge;
- (2) Type of waste;
- (3) Concentration/volume; and
- (4) Corrective action taken to remedy release.

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(e) Within five days following an accidental discharge, the industrial user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this chapter.

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(d)

(e) (d) A notice shall be permanently posted on 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 a discharge to occur are advised of the emergency notification procedures.

#### Sec. 22-242. Hauled wastewater.

Septic tank waste may be introduced into the POTW only at locations designated by the pretreatment coordinator and at such times as are established by the pretreatment coordinator. Such waste shall not violate sections 22-234—22-236 or any other requirement established by the town. The pretreatment coordinator may require septic tank waste haulers to obtain wastewater discharge permits.

(Ord. No. 1999-12, 6-23-99)

#### Sec. 22-243. Self-monitoring.

- (a) The permit holder shall make measurements including, but not limited to, flow rates, flow volumes, BOD and suspended solids concentrations, as well as concentrations of other particular constituents of their wastewater discharges, at their own expense, as frequently as necessary to comply with the terms and conditions of each permit issued under this article.
- (b) All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
- (c) Collection of samples shall proceed as follows:
  - (1) Except as indicated in subsection (c)(2) of this section, the industrial user must collect wastewater samples using flow proportional composite collection techniques. If flow proportional sampling is infeasible, the pretreatment coordinator may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
  - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

#### Sec. 22-244. Compliance monitoring and right to inspection.

- (a) The pretreatment coordinator shall have the right to enter the premises of any user to determine whether the industrial user is complying with all requirements of this chapter, and any wastewater discharge permit, or orders issued under this chapter. Industrial users shall allow the pretreatment coordinator ready access to all parts of the premises for the purposes of inspection, sampling, record examination and copying, and the

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fulfillment of any additional duties. The user shall make any and all arrangements to permit the pretreatment coordinator or ~~his aide~~ duly authorized agent ready access.

- (b) The pretreatment coordinator shall have the right to set up on the user's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the industrial user's operations.
- (c) The pretreatment coordinator may require the industrial user to install monitoring equipment as necessary. A facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated regularly in accordance with procedures acceptable to the town to ensure their accuracy.
- (d) Unreasonable delays in allowing the pretreatment coordinator access to the user's premises shall be deemed a violation of the chapter.

#### **Sec. 22-245. Right to require inspection user documentation.**

- (a) The pretreatment coordinator may, by regulation, order, permit, or otherwise, require any person or facility who discharges to the POTW to:

- (1) Establish and maintain records;
- (2) Make reports;
- (3) Install, calibrate, use, and maintain monitoring equipment or methods;
- (4) Sample and/or analyze discharges and effluents (in accordance with the method, at location, at the intervals, and in the manner as the pretreatment coordinator shall prescribe); and/or
- (5) Provide any other requested information relating to discharges to the POTW.

- (b) All industrial users subject to the reporting requirements set forth in this chapter must maintain, for a minimum of three years, any records of monitoring activities, ~~and results, and documentation associated with Best Management Practices~~, and shall make such records available for inspection and copying by the pretreatment coordinator. This period shall be automatically extended for the duration of any litigation concerning the user or the town. Such records shall include for all samples:

- (1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (2) The dates analyses were performed;
- (3) Who performed the analyses;
- (4) The analytical techniques/methods used; and  
—The results of such analyses.
- (5) \_\_\_\_\_

- (c) Refer to Sec. 22-250 for more information on user documentation/recordkeeping.

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#### **Sec. 22-246. Confidential information.**

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications and monitoring programs, and from the pretreatment coordinator's inspection and sampling activities, shall be available to the public without restriction, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the pretreatment coordinator, that the release of such information would divulge information, processes or methods of reduction entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the industrial user furnishing a report that such information should be held



confidential, portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the RIPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 302 will not be recognized as confidential information and will be available to the public without restriction.

#### Sec. 22-247. Publication of users in significant noncompliance.

The pretreatment coordinator shall publish annually in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance, as defined in section 22-2, with the applicable standards and requirements.

(Ord. No. 2008-11, 7-9-08)

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#### Sec. 22-248. Notices.

Unless otherwise provided in this section, any notice required to be given by the town under this chapter shall be in writing and served in person or by certified mail or telegram to the last address of the discharger shown in the records of the town.

#### Sec. 22-249. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, and to mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

#### Sec. 22-250. Recordkeeping.

- (a) Industrial users subject to the reporting requirements of this article shall retain and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, and any and all additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements.
- (b) Industrial users subject to reporting requirements of this article monitors any regulated pollutant at the appropriate sampling location more frequently than required by the POTW, the results of this monitoring shall be included in the report.
- (c) Records shall include the date, exact place, method, and time of sampling, and the name of the person taking the sample; the date analyses were performed; who performed the analysis; the analytical techniques or methods used; and the results of such analyses.

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#### Sec. 22-251. Administrative enforcement remedies.

- (a) Authority. These enforcement provisions are adopted under the authority of G.L. 1956, § 45-6-2.3. The authorities laid out in this ordinance are not exclusive. The superintendent or pretreatment coordinator may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will be in accordance with the Code of Federal Regulations Title 40 Chapter 1 Subchapter N, the Bristol Town Code, and Bristol's Enforcement Response Plan. However, the superintendent or pretreatment coordinator may take other action against any User when the circumstances warrant. Further, the superintendent and pretreatment coordinator are empowered to take more than one enforcement action against any noncompliant user.

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- (b) *Notification of violation.* When the pretreatment coordinator finds that an industrial user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued under this article, or any other pretreatment standard or requirement, the pretreatment coordinator may serve upon that user a written notice of violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the pretreatment coordinator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the pretreatment coordinator to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (c) *Consent orders.* The pretreatment coordinator may enter into consent orders, assurances or voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the industrial user to correct the noncompliance within a time period specified by the document. Consent orders have the same force and effect as the administrative orders issued pursuant to this chapter and shall be judicially enforceable.
- (d) *Compliance orders.* Compliance orders may be issued under the following circumstances and manner:
- (1) When the pretreatment coordinator finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued under this article, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation.
  - (2) Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (e) *Cease and desist orders.* Cease and desist orders may be issued under the following circumstances and manner:
- (1) When the pretreatment coordinator finds that a user has violated, or continues to violate any provision of this chapter, a wastewater discharge permit or order issued under this article, or any other pretreatment standard or requirement, or when the pretreatment coordinator finds that the user's past violations are likely to recur, the pretreatment coordinator may issue an order to the user directing it to cease and desist all such violations and directing the user to:
    - a. Immediately comply with all appropriate requirements; and
    - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
  - (2) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (f) *Administrative fines.* Administrative fines shall be charged as follows:
- (1) When the pretreatment coordinator finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued under this article, or any other pretreatment standard or requirement, the pretreatment coordinator may fine such user in an amount



not to exceed \$25,000.00 per violation. Such fines shall be assessed on a per violation, per day basis and possibly added to the user's next scheduled sewer service charge. In the case of monthly or other longterm average discharge limits, fines shall be assessed for each day during the period of violation.

- (2) Unpaid charges, fines, penalties and costs shall constitute a lien against the user's property.
- (3) Users desiring to dispute such fines must file a written request for the pretreatment coordinator to reconsider the fine within ten days of being notified of the fine. Where a request has merit, the pretreatment coordinator may convene a show cause hearing in accordance with section 22-253 on the matter. The pretreatment coordinator may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (5) Calculation of Administrative fines. Penalties may be calculated according to the following penalty matrix for violations of permits and orders issued pursuant thereto. Penalties are assessed for each day of noncompliance.

TYPE OF VIOLATION			
Deviation from Standard	1	2	3
Major	\$25,000	\$10,000	\$5,000
	to \$10,000	to \$5,000	to \$1,000
Moderate	\$10,000	\$5,000	\$1,000
	to \$5,000	to \$1,000	to \$500
Minor	\$5,000	\$1,000	\$500
	to \$1,000	to \$500	to \$100

a. Type of Violation. Refers to the nature of the legal requirement allegedly violated. "Type" includes, but is not limited to, the following examples:

1. Type 1

- i. Violations of legal requirements identified by the Town as directly related to the protection of the public health, safety, welfare, or environment.
- ii. Violation of wastewater discharge limits.
- iii. Violations of compliance schedule milestones.
- iv. Failure to provide reports (compliance schedules, selfmonitoring data, BMR & FCMR).
- v. Failure to accurately report noncompliance.
- vi. Failure to take remedial permit from the Town.
- vii. Failure to take remedial action to mitigate a known harm.

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viii. Any other violation or group of violations that the Town considers to be significant including a pattern of Type 2 and Type 3 violations.

2. Type 2

- i. Violation of legal requirements indirectly related to public or environmental protection, e.g., late reports (but with notification to the Town that sampling has been performed).
- ii. Failure to comply with an equipment or design specification or any other operational methods or procedure required by the Town or specified in this Chapter, which is indirectly related to protection of the public health and welfare and/or the environment, e.g. the discharge of noncontact cooling water without approval.
- iii. A patter of Type 3 violation.

3. Type 3

- i. Violation of legal requirements identified by the Superintendent as important but incidental to the protection of the plant workers and environment, e.g. late sampling.

b. Deviation from Standard. Refers to the degree to which the violation is out of compliance with the requirement allegedly violated. The Town will evaluate the circumstances of each case to assess whether a violation is a minor, moderate, or major deviation from the standard with reference to the following factors:

1. The extent to which the act or failure to act was out of compliance;
2. Environmental conditions;
3. The amount, toxicity, and/or nature of the pollutant;
4. The duration of the violation;
5. The areal extent of the violation;
6. Whether the user took reasonable and appropriate steps to prevent and/ or mitigate the non-compliance;
7. The user's history of noncompliance;
8. Willingness to participate in supplemental environmental projects that are directly related to addressing compliance problems of the industry within which the violation took place. Such projects are subject to the approval and control of the Town;
9. The economic benefit achieved by noncompliance;
10. Any other factor(s) that may be relevant in determining the amount of a penalty, provided that, said other factor(s) shall be set forth in the Notice of Violation, order, or other written notice of the Assessment of Penalty.

(g) *Emergency suspensions.* Emergency suspensions shall take place as follows:

- (1) The pretreatment coordinator may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The pretreatment coordinator may so immediately suspend a user's discharge,

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after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (2) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the pretreatment coordinator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The pretreatment coordinator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the pretreatment coordinator that the period of endangerment has passed, unless the termination proceedings in subsection (h) of this section are initiated against the user.
  - (3) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the pretreatment coordinator prior to the date of any hearing as described under subsection (g)(2) of this section.
  - (4) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
- (h) *Termination of discharge.* Discharge privileges shall be terminated upon the following:
- (1) Any user who violates the following conditions is subject to discharge permit termination:
    - a. Violation of wastewater discharge permit conditions;
    - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
    - c. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
    - d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
    - e. Violation of the pretreatment standards in section 22-234; or
    - f. Failure to pay penalties, fees, costs and surcharges.
  - (2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 22-253 why the proposed action should not be taken. Exercise of this option by the pretreatment coordinator shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 1999-12, 6-23-99)

#### **Sec. 22-252. Costs.**

In addition to such administrative, civil, or criminal fines as may be imposed under this article, any user who violates any provision of this chapter, or any condition or limitation of a permit, or plan approval related thereto, shall be financially responsible and liable to the town in addition to normal service charges and surcharges for industrial investigation and monitoring of compliance with this chapter including, but not limited to the following:

- (1) Costs of mileage and labor incurred in detecting and correcting the violation;
- (2) Laboratory analysis costs associated with detecting or correcting the violation;
- (3) Additional treatment costs caused by the violation or associated with detecting and correcting the violation;

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- (4) Costs of any additional equipment acquired or expended by the town for detecting or correcting the violation;
  - (5) Repair and/or replacement of any part of the facility damaged by the violation;
  - (6) Any liability, damage, fine, or penalty incurred by the town as a result of the violation; and
  - (7) Other costs as are associated with detecting or correcting the violation.

**Sec. 22-253. Show cause proceedings.**

- (a) *Right to request a hearing.* Any compliance order or assessment of penalty shall inform the user that a written request for a hearing on the alleged violation, order and/or penalty may be filed with the pretreatment coordinator within ten days after service of the notice. The notice will be deemed properly served upon a user if a copy thereof is served personally or sent by registered or certified mail to the user's last known address, or if the user is served with a notice by any other method of service now or hereafter authorized in a civil action under the laws of the state. If no written request for a hearing is made to the pretreatment coordinator within ten days of the service of notice, the notice and its provisions and any penalties assessed will automatically take effect, and such failure to request a hearing will constitute an admission of facts alleged in such notice and a waiver of the user's right to a hearing on the factual allegations and provisions in the compliance order and assessment of penalty.
- (b) *Conduct of hearing.* If a user upon whom a compliance order and/or assessment of fine has been served under the provisions of this section request a hearing before the pretreatment coordinator within ten days of the service of the compliance order and/or assessment of a fine, the pretreatment coordinator shall set a time and place for the hearing, and shall give the user requesting the hearing at least five days' written notice thereof.
  - (1) After the hearing the pretreatment coordinator may make findings of fact that shall sustain, modify, or withdraw the compliance order and/or assessment of fine. If the pretreatment coordinator sustains or modifies the compliance order or assessment, that decision shall be deemed an order and shall be served upon the person responsible in any manner provided for the service of the compliance order or assessment. The order shall state a time within which the violation shall be remedied, and the original time specified in the notice of violation shall be extended to the time set in the order.
  - (2) Whenever an order has become effective, whether automatically where no hearing has been requested or upon a decision following the hearing, the director or pretreatment coordinator may institute injunction proceedings in the Superior Court of Providence County for the enforcement of the order and appropriate temporary relief. The remedy provided for in this section shall be cumulative and not exclusive, and shall be in addition to remedies relating to the removal or abatement of nuisances or any other remedies provided by law.
  - (3) The pretreatment coordinator may designate an individual not involved in the investigation or preparation of the town's case to act as a hearing officer in his place.
  - (4) All hearing costs shall be paid by the user requesting the hearing.

**Sec. 22-254. Judicial enforcement remedies.**

- (a) *Injunctive relief.* When the pretreatment coordinator finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued under this article, or any other pretreatment standard or requirement, the pretreatment coordinator may petition the Superior Court of Providence County through the town's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order



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or other requirement imposed by this chapter on activities of the user. The pretreatment coordinator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) *Civil penalties.* Civil penalties may be imposed as follows:

- (1) A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued under this article, or any other pretreatment standard or requirement shall be liable to the town for a maximum civil penalty of \$25,000.00 per violation, per day, plus actual damages incurred by the POTW per violation, per day, for as long as the violation continues. In the case of a monthly or other longterm average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) The pretreatment coordinator may also recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the town. The pretreatment coordinator shall petition the court to impose, assess and recover such costs.
- (3) In determining the amount of civil liability, the court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) *Criminal prosecution.* Criminal prosecution shall be executed as follows:

- (1) Any user who willfully or with criminal negligence violates any provision of this article or any order or permits issued under this article, shall, upon conviction, be punished by fine not to exceed \$25,000.00 per day.
- (2) Any user who knowingly makes false statements, representations or certifications in any applications, record, report, plan or other document acquired to be maintained pursuant to this article, or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by fine of not more than \$25,000.00 per day, per violation.

(Ord. No. 1999-12, 6-23-99; Ord. No. 2017-13, 10-4-17)

## **Sec. 22-255. Affirmative defenses to discharge violations.**

- (a) *Upset.* For the purposes of this section, the term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.
- (1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (a)(2) of this section are met.
  - (2) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - a. An upset occurred and the user can identify the causes of the upset;

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(Supp. No. 47)

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- b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
  - c. The user has submitted the following information to the pretreatment coordinator within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:
    - 1. A description of the indirect discharge and cause of noncompliance;
    - 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
  - (4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
  - (5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (b) *Bypass.* For the purposes of this section, bypass shall mean the intentional diversion of waste streams from any portion of a user's treatment facility; severe property damage shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (1) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated; but only if it also is for essential maintenance to ensure efficient operation. If a user knows in advance of the need for a bypass, it shall submit prior notice to the pretreatment coordinator, at least ten days before the date of the bypass, if possible. A user shall submit oral notice to the pretreatment coordinator of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The pretreatment coordinator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
  - (2) Bypass is prohibited, and the pretreatment coordinator may take an enforcement action against a user for a bypass, unless the bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and the user submitted notices as required under subsection (b)(1) of this section.

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- (3) The pretreatment coordinator may approve an anticipated bypass, after considering its adverse effects, if the pretreatment coordinator determines that it will meet the three conditions listed in subsection (b)(2) of this section.

**Secs. 22-256—22-275. Reserved.**

## ***DIVISION 2. WASTEWATER DISCHARGE PERMIT***

### **Sec. 22-276. Requirements.**

- (a) *Notification of pretreatment coordinator of wastewater characteristics.* All industrial users must notify the pretreatment coordinator of the nature and characteristics of their wastewater prior to commencing indirect discharge in accordance with requirements of this article. The pretreatment coordinator is authorized to prepare a form for this purpose.
- (b) *SIUs.* No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the pretreatment coordinator, except that a significant industrial user that has filed a timely application pursuant to subsection (e) of this section may continue to discharge for the time period specified therein.
- (c) *Other industrial users.* The pretreatment coordinator may require other industrial users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.
- (d) *Violations.* Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in section 22-251. Obtaining a wastewater discharge permit does not relieve a permittee of his obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.
- (e) *Existing connections.* Any industrial user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance from which this article derives and who wishes to continue such discharges in the future, shall, within 90 days after such date, apply to the pretreatment coordinator for a wastewater discharge permit in accordance with section 22-277, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this ordinance from which this article is derived, except in accordance with a wastewater discharge permit issued by the pretreatment coordinator.
- (f) *New connections.* Any industrial user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 22-277, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

### **Sec. 22-277. Wastewater discharge permit application contents.**

- (a) All industrial users required to obtain a wastewater discharge permit must submit a permit application. The pretreatment coordinator may require all industrial users to submit as part of an application the following information:
- (1) All information required by section 22-233(a)(2);



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- (2) Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged to the POTW;
  - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (4) Each product produced by type, amount, processes and rate of production;
  - (5) Type and amount of raw materials processed (average and maximum per day);
  - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge;
  - (7) Time and duration of discharges;
  - (8) Standard industrial classification code of the industry and any processes for which federal categorical pretreatment standards have been promulgated;
  - (9) Any other information as may be deemed necessary by the pretreatment coordinator to evaluate the wastewater discharge permit application.
- (b) All plans required in subsection (a)(6) of this section must be certified for accuracy by a state registered engineer.
- (c) All applicants must obtain the following certification statement signed in accordance with this section:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations."
- (d) For purposes of this section, authorized representative of the industrial user includes the following:
- (1) If the industrial user is a corporation, by a responsible corporate officer including the president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.
  - (2) By a general partner or proprietor of the industrial user submitting the reports as a partnership or sole proprietorship, respectively.
  - (3) The principal executive officer or director having responsibility for overall operation of the discharging facility if the industrial user submitting the report is a federal, state or local government entity or agent.
  - (4) By a duly authorized representative of the individuals designated in subsections ~~(c)(1)a~~, ~~(c)(1)b~~ or ~~(c)(1)c~~ (d)(1), (d)(2), or (d)(3) of this section, if the authorization is made in writing by the individual described in subsections (d)(1), (d)(2), or (d)(3) ~~(c)(1)a, (c)(1)b or (c)(1)c~~ of this section, and the authorization specifies that the authorized representative has responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager; and the written authorization is submitted to the town along with the application.
- (e) Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

(Ord. No. 2017-13, 10-4-17)

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#### Sec. 22-278. Decisions.

The pretreatment coordinator will evaluate the data furnished by the user and may require additional information. After evaluation of the application, the pretreatment coordinator will determine whether or not to issue a wastewater discharge permit. The pretreatment coordinator may deny any application for a wastewater discharge permit.

#### Sec. 22-279. Contents.

- (a) A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the pretreatment coordinator to prevent pass through or interference, protect the quality of the waterbody receiving the POTW's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. A wastewater discharge permit must contain the following:
  - (1) A statement indicating the duration of the permit which may not exceed five years. A permit may be issued for a period of less than five years, which is determined by the pretreatment coordinator and is stated within the discharge permit to expire on a specific date;
  - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the town in accordance with section 22-282, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (3) The effluent limits and Best Management Practices based upon applicable pretreatment standards;
  - (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of pollutants to be monitored, sampling locations, sampling frequencies and sample type based on federal, state and local law; and
  - (5) A statement of applicable civil and criminal penalties for violation of treatment standards and requirements and any applicable compliance schedule. The schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.
- (b) The pretreatment coordinator has the discretion to include the following conditions in the wastewater discharge permit:
  - (1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the POTW;
  - (3) Requirements for the development and implementation of spill control plans, slug discharge control plans, or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (5) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharge to the POTW;
  - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

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- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
  - (8) Other conditions deemed appropriate by the pretreatment coordinator to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(Ord. No. 1999-12, 6-23-99)

#### **Sec. 22-280. Issuance process.**

- (a) *Permit duration.* Permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for less than five years at the discretion of the pretreatment coordinator.
- ~~(b) *Public notification.* The pretreatment coordinator will publish in the largest daily newspaper in the servicing area notice of intent to issue a pretreatment permit at least 14 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.~~
- (b) *Permit appeals.* Permit decisions may be appealed as follows:
  - (1) The pretreatment coordinator will provide all interested persons with notice of final permit decisions. Upon notice by the pretreatment coordinator, any person, including the industrial user, may petition to appeal the terms of the permit within ten (10) days of the notice of its issuance, subject to the following conditions:
    - a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal;
    - b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
  - (2) The effectiveness of the wastewater discharge permit shall not be stayed pending appeal.
  - (3) If the pretreatment coordinator fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administration actions for the purposes of judicial review.
  - (4) An aggrieved party seeking judicial review of the final administrative wastewater discharge permit must do so by filing a complaint with Superior Court for Providence County within 30 days of receipt of the final decision.

#### **Sec. 22-281. Modification.**

The pretreatment coordinator may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements;
- (2) To address significant alterations or addition to the industrial user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;



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- (4) Information indicating that the permitted discharge poses a threat to the town's POTW, town personnel or the receiving waters;
  - (5) Violation of any terms or conditions of the wastewater discharge permit;
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
  - (8) To correct typographical or other errors in the wastewater discharge permit; or
  - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

**Sec. 22-282. Transfer.**

- (a) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days' advance notice to the pretreatment coordinator, and the pretreatment coordinator approves the wastewater discharge permit transfer. The notice to the pretreatment coordinator must include a written certification by the new owner or operator which:
  - (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - (2) Identifies the specific date on which the transfer is to occur; and
  - (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- (b) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

**Sec. 22-283. Revocation.**

- (a) The pretreatment coordinator may revoke a wastewater discharge permit for good cause including, but not limited to, the following reasons:
  - (1) Failure to notify the pretreatment coordinator of significant changes to the wastewater discharge prior to the changed discharge;
  - (2) Failure to provide prior notification to the pretreatment coordinator of changed conditions pursuant to section 22-233;
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - (4) Falsifying self-monitoring reports;
  - (5) Tampering with monitoring equipment;
  - (6) Refusing to allow the pretreatment coordinator timely access to the facility premises and records;
  - (7) Failure to meet effluent limitations;
  - (8) Failure to pay fines;
  - (9) Failure to pay sewer charges;
  - (10) Failure to meet compliance schedules;
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application;



- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.
- (b) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular industrial user are void upon the issuance of a new wastewater discharge permit to that user.

**Sec. 22-284. Reissuance.**

An industrial user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 22-277, a minimum of 30 ~~90~~ days prior to the expiration of the user's existing wastewater discharge permit.

**Secs. 22-285—22-315. Reserved.**

**ARTICLE VIII. INDUSTRIAL USER PERMIT FEE SCHEDULE**

**Sec. 22-316. Enumeration.**

- (a) The superintendent shall assess a wastewater discharge application permit fee to all industrial users connected to or discharging to the wastewater facilities based on the following schedule:

Description:	Permit Fee
(1) <u>Industries subject to EPA Categorical Standards (i.e. Electroplating, Refiners, Hospitals, Pharmaceutical Manufacturing, High-flow Processing Plants, Facilities using Heavy Metals and/or Cyanide, Plastics Molding and Forming, Rubber Manufacturing, Textile Mills, etc.)</u>	
<u>a. Categorical User, 500,000 gallons or more per year flow .....</u>	<u>\$1,500.00</u>
<u>b. Categorical User, between 250,000 and 500,000 gallons per year flow .....</u>	<u>\$1,100.00</u>
<u>c. Categorical User, less than 500,000 gallons per year flow .....</u>	<u>\$1,300.750.00</u>
(2) <u>Industries or Commercial Users discharging or having potential to discharge conventional pollutant (BOD, TSS, pH, Oil &amp; Grease, Fecal Coliforms) loads in sufficient quantities to cause violation of discharge limitations or for adversely affecting the POTW's operation (i.e. Brewing &amp; Distilling Operations, Wholesale Food/Fish/Meat Processing, Supermarkets, Commercial Buildings with Cafeteria and/or Laundry Operations, Operations with High Conventional Pollutant Loads)</u>	
<u>a. Users, with an SIC, less more than 250,000 gallons per year flow .....</u>	<u>\$500.750.00</u>
<u>b. Users, with an SIC, between 250,000 and 500,000 gallons per year flow .....</u>	<u>\$600.500.00</u>
<u>c. Users, with an SIC, more less than 500,000 gallons per year flow .....</u>	<u>\$750.250.00</u>
<u>Users, without an SIC, more than 250,000 gallons per year flow</u>	<u>350.00</u>
<u>Users, without an SIC, less than 250,000 gallons per year flow</u>	<u>225.00</u>
(3) <u>Fast food restaurants, Large Restaurants with seating capacity over 150 .....</u>	<u>\$600.00</u>
(4) <u>Restaurants seating capacity over 100 less than 50 .....</u>	<u>\$400.175.00</u>

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- (5) Restaurants seating capacity between 50—100 ..... \$275.00
- (6) Restaurants seating capacity less than 50, Bakeries, Catering over 100 ..... ~~\$400~~175.00
- (7) Shellfish/Fish Retailer/Processor, Butcher/Meat Processor ..... \$150.00
- (8) Small Coffee Shops, Ice Cream Shops, Smoothie/Shake Shops, and Other Small FSEs Requiring Permits;  
Non-Catering Religious Institutions/Banquet Halls ..... \$75.00
- (9) Professional Health Care Facilities, Medical, health care facilities 500,000 or more gallons per year flow  
..... \$350.00
- (10) Professional Health Care Medical, health care facilities lessFacilities, less than 500,000 gallons per year  
flow ..... \$225.00
- (11) Private Medical Centers, Dentists, officesFuneral Homes/Embalming, marinas, yacht clubs,..... \$125.00
- (12) Service Gasoline Stations, Auto Body/Repair, Car Washers, Marinas, Boat Repair/Manufacturing, .....  
\$125.00
- Small Businesses Requiring Permits, Bakeries125.00
- (13) Funeral home (embalming on site), beauty salons, laundriesLaundromats/Dry Cleaners, car washes,  
Animal Care-/Grooming facilities, small businesses,..... \$75.00
- Shellfish retailer, large businesses150.00
- Fast food restaurants600.00
- (14) Private educational institutions, with over 250,000 gallons per year flow275.00“Zero Discharge Permit” –  
Industries discharging only sanitary wastes and/or non-toxic discharges (cooling water, cooling tower  
discharges) and/or Dry industries with no wastewater discharges ..... No fee
- 0
- (15) Town-owned facilities (e.g. schools, fire, police, department of public works) ..... No fee
- (b) If a facility food service establishment does not have working grease traps, an additional 100 percent of the  
stated fee will be added.
- (c) If a facility does not have oil and grease separation on the site, in working order, and operations require such  
a device, an additional ~~100~~50 percent of the stated fee will be added.
- (d) The superintendent may increase such fees from time to time by application to the town council.
- (Ord. No. 2006-26, 8-23-06)

**Secs. 22-317—22-350. Reserved.**

## **ARTICLE IX. SEWER ASSESSMENT CHARGES**

### **Sec. 22-351. Findings.**

- (a) Section 12 of chapter 211 of the Public Laws of Rhode Island, 1980, authorizes the town council to assess a  
portion of the town's sewer system by means of a sewer betterment assessment.
- (b) Improved real estate which has direct access to the sewer system will receive a particular and special benefit  
upon the completion of the sewer project. The minimum amount of such benefit is hereby determined to be

\$2,670.00 for each single-family dwelling so benefited. Real estate which is improved with multifamily dwellings, condominiums, commercial establishments, industry and nonprofit churches and schools will derive increased particular and special benefits corresponding to increased occupancy capacity of the structures utilized for such purposes, and may be charged a higher sum, per section 22-316.

- (c) Unimproved lots that front a street with a sewer and are buildable will be assessed the regular amount per home site (\$2,670.00). The property owner may declare multiple lots to be one homesite. However, if the original homesite is subsequently divided, assessment charges will be imposed in accordance with the intent of section 22-277. The charge shall then be assessed for each subsequently divided lot, and shall be due in full upon subdivision.

**Sec. 22-352. Sewer construction costs.**

- (a) The town council hereby levies a sewer assessment with respect to each sewer assessment structure or homesite in the town. Such assessment shall take effect upon the completion of the requirements of section 22-279.
- (b) The amount of such sewer assessment with respect to each sewer assessment structure or homesite shall be the total amount derived from the following table with respect to each separate sewer assessment structure or homesite.

	Assessment
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- |      |   |            |
|------|---|------------|
| (1)  | Residence structure   | \$2,670.00 |
| (2)  | Multifamily residence structure containing two residential units  | 2,670.00   |
| (3)  | Multifamily residence structure containing more than two residential units, an amount for each residential unit of                        | 2,670.00   |
| (4)  | Commercial structure (up to 10,000 square feet)   | 2,670.00   |
| (5)  | Commercial structure (for each additional 10,000 square feet or major fraction thereof)   | 2,670.00   |
| (6)  | Industrial structure (up to 10,000 square feet)   | 2,670.00   |
| (7)  | Industrial structure (for each additional 10,000 square feet or major fraction thereof)   | 2,670.00   |
| (8)  | Church or school structure (up to 5,000 square feet)  | 2,670.00   |
| (9)  | Church or school structure (for each additional 5,000 square feet or major fraction thereof)  | 2,670.00   |
| (10) | Multiuse structure: The amount charged shall be the sum of the charges for the components, per subsections (b)(1)—(b)(9) of this section. |            |
- (c) Abutting lands to sewer lines that are constructed at the expense of a developer or individual landowner are not assessed any construction charge.

**Sec. 22-353. Sewer assessment roll.**

- (a) At such time as the authorized agent shall by resolution authorize the sewer assessment, the tax assessor shall certify to the town clerk a sewer assessment roll of all sewer assessment structures within such area.
- (b) Such sewer assessment roll shall, with respect to each sewer assessment structure or homesite lot thereon, name the owner of the estate so assessed, the lot and plat number, the category of sewer assessment structure or structures thereon, and the amount of the sewer assessment thereon.

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- (c) The tax assessor's office will prepare the assessment roll for each new addition to the sewer system that is constructed by the town, or for subdivisions of any estate.

**Sec. 22-354. Recording of sewer assessment roll.**

Upon receipt of such sewer assessment roll from the tax assessor, the town clerk shall endorse the date of delivery thereof and record such assessment roll as a public record.

**Sec. 22-355. Collection of assessment and lien.**

- (a) From the date of delivery to the town clerk of the sewer assessment roll, the amount of such assessment, including any interest that may accrue thereon, shall constitute a debt payable to the town by the owner of the sewer assessment structure, or homesite so assessed, and further constitutes a lien upon each sewer assessment structure or homesite so assessed, on a parity with the lien for town taxes, until paid in full. Such lien shall not be subject to termination under G.L. 1956, § 44-9-1.
- (b) The tax collector shall have the same power to collect such assessments and interest from the owners of the estates so assessed, whether or not residents of this state, and to enforce such lien against the sewer assessment structure or homesite so assessed as he has in the case of town taxes assessed against residents of this state.

**Sec. 22-356. Notice.**

Prior to or forthwith after delivery to the town clerk of a copy of such sewer assessment roll, the tax collector shall cause notice to be sent to the owners of each sewer assessment structure or homesite to which a sewer assessment has been made. Such notice shall be sent as prescribed by section 12 of the enabling act.

**Sec. 22-357. Payment.**

- (a) Each sewer assessment under this article shall be payable in equal annual installments over a period of 20 years with interest charged at an interest rate to be set, from time to time, by the town council.
- (b) The whole sewer assessment against any owner or estate may be prepaid without interest any time prior to the due date to the first installment thereof.
- (c) If any such sewer assessment which is not so prepaid is paid in full before the expiration of 20 years, there shall be an equitable adjustment of the interest charged so that interest will be paid only on the unpaid balance of such assessment for the period up to such payment in full.
- (d) Any owner of an estate who shall become delinquent in payment of his assessment shall be charged at a rate equal to the rate for delinquent real estate taxes, as that may be established by the town council from time to time.
- (e) Any person aggrieved by any such assessment may, within 30 days after the mailing or publication of notice to him, file a petition for relief to the sewer assessment review board. If the board finds such assessment invalid, in whole or in part, it shall give judgment reducing the amount thereof or for a refund accordingly. The filing of such a petition shall not relieve the estate involved from the lien provided for in section 22-355 or prevent the assessment becoming due as provided in this section, but the final judgment of the board reducing such assessment, in whole or in part, shall reduce such lien and the amount due accordingly.



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**Sec. 22-358. Board of sewer assessment review—Generally.**

There shall be a board of sewer assessment review whose members shall be the members of the board of tax assessment review appointed by the town council pursuant to section 27-41 et seq. The board of sewer assessment review shall elect one of their number as chairman and one as secretary.

**Sec. 22-359. Same—Purpose, powers and duties; adjustments.**

- (a) *Purpose, powers and duties.* The board of sewer assessment review shall hear and decide appeals from landowners of record concerning the amounts of sewer assessments, provided that such appeals are properly filed in accordance with rules and regulations as promulgated by the board from time to time, and within 30 days of the mailing or publication of notice of such assessment to the landowner of record. The board shall also hear and decide appeals for water line breaks or unusual usage, and such other appeals as are referred to it by the town council; provided, however, that the town council has conferred upon the board jurisdiction to hear such additional appeals. The board may hold hearings, administer oaths, receive testimony and exhibits and prescribe rules and regulations necessary to perform its function. The board may request the town solicitor to provide advisory opinions respecting such appeals and otherwise advise the board.
- (b) *Adjustments.* If the board determines that an assessment is partially or wholly invalid, the board may make such adjustments as are necessary to replace the invalid assessment or portion thereof. The board shall notify the tax collector, the town clerk and the landowner of record of such adjusted assessment within five days of such adjustment. The adjusted assessment shall bear interest from the date that notice of such assessment was delivered to the town clerk.

**Sec. 22-360. Same—Rules of procedure.**

The following procedures shall be followed by landowners of record filing appeals from sewer assessments:

- (1) All appeals to the board of sewer assessment review shall be on petitions provided by such board. Blank petitions will be available from the board, the tax collector or the town clerk.
- (2) All questions on such petitions shall be answered completely and truthfully.
- (3) A separate petition shall be filed for each review requested.
- (4) The landowner of record must file all petitions or, if this is not possible, such owner's mark or the signature of such owner's legal representative must appear and such representative's title must be affixed thereto.
- (5) The petitioners and the town council shall be notified of the time and place of the hearing.
- (6) The landowner of record, or such owner's representative, must appear at such meeting. If persons other than the landowner of record are to testify, a written authorization filed by the landowner of record must be presented to, and recorded by, the board.
- (7) Failure on the part of any petitioner or legal representative thereof to appear at the time and place designated by the board for such petitioner's petition to be heard, without prior notification, will be recorded as a default by nonappearance.
  - a. Any petition so recorded as a default will not be reheard for a period of one fiscal year. No petition may be resubmitted for any year for which a prior petition was recorded as a default due to the nonappearance of the petitioner or his legal representative.

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- b. There shall be no rehearing of any petition filed in one fiscal year unless the petitioner can present new or different evidence which could not have been presented to such board at the time of the original hearing or unless in the unanimous opinion of the board unusual circumstances warrant a rehearing.
- (8) The procedure for rehearings shall be as follows:
    - a. A new petition must be filed with an accompanying list or brief of explanation.
    - b. The board of sewer assessment review at its regular meeting, and after the filing of a petition for rehearing, will decide on the merits for a rehearing, and the petitioner will be notified in writing of the findings and recommendations of such board.
  - (9) The proceedings of the board shall be recorded and kept in a minute book provided by such board and be in care, custody and control of the secretary and available for public inspection.
  - (10) All decisions of the board of sewer assessment review shall be made by a majority vote of a quorum of such board. A majority of the members of the board shall constitute a quorum. The board may, in its sole discretion, adjourn any hearing without submitting an appeal for a vote.
  - (11) Petitioners will be notified in writing of the findings, recommendations and decisions of the board which pertain to such petitioners' appeal.
  - (12) Attorneys, expert witnesses and any other persons may be presented to the board by petitioners in the hearing of a petition.

#### **Sec. 22-361. Judicial appeal.**

- (a) The taking of an appeal to the board of sewer assessment review, or any action thereon, shall not be construed to limit or restrict the right of any landowner of record to apply to a court of competent jurisdiction in accordance with any law now or hereafter in effect for relief from any assessed valuation.
- (b) Any landowner aggrieved by an adjusted assessment may, within 90 days after the mailing or publication of notice of such assessment, file a petition for relief against the town in the superior court, and such petition shall be subject to the provisions of G.L. 1956, § 44-5-29. If the court finds such assessment invalid, in whole or in part, it shall give judgment reducing the amount thereof or for a refund accordingly. The filing of such a petition shall not relieve the landowner of record from the lien against the subject property provided for in section 22-355 or prevent the assessment from becoming due as provided in this chapter, but the final judgment of the court reducing such assessment, in whole or in part, shall reduce such lien and the amount due accordingly. The remedy provided in this subsection shall be exclusive, and no action or proceeding questioning the validity of any adjusted assessment shall be begun after the expiration of the 90-day period.

#### **Sec. 22-362. Connections.**

Connections shall be made within one year of when the lateral in front of the structure is completed and available for use, as determined by the town, per public notice. Connections from the structure to lateral will be made at the owner's expense.

#### **Secs. 22-363—22-395. Reserved.**

### **ARTICLE X. SEWER SERVICE CHARGES**



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**Sec. 22-396. Finding.**

- (a) The authorizing agent shall prescribe annually just and equitable charges to be charged all users of the sewage system, based upon the budget established for operation of the sewer department. This charge will be sufficient to cover all sewer service costs estimated for the ensuing fiscal year. Users of the sewage system shall be charged interest for delinquent payments.
- (b) Charges for residential users of the sewage system will be computed on a residential unit charge. All other users will be charged on the basis of water consumption; except that the residential unit charge shall be the minimum charge to any user. The basis for these charges and rates is given in appendix B which is not printed in this Code but which is on file and available in the town offices.
- (c) Sewer service charges for connected facilities will commence at the time a sewer connection permit is issued by the authorized department in accordance with this chapter. For new construction the charges will commence when the certificate of occupancy is issued.

(Ord. No. 2015-02, 4-8-15)

**Sec. 22-397. Sewer user fees.**

- (a) *Nonresidential sewer user fees.* All other structures, other than residential, shall be assessed a sewer user fee based upon the volume of water purchased for the structure. Where a user is not served by public water supply, the town shall establish an appropriate schedule for billing. The sewer use fee shall be based upon a rate per 100 cubic feet of water.
- (b) *Measurement of water from other sources; types of meters.* Where a property uses water from a source other than a public water supply system, the property shall be assessed a sewer user fee based upon the actual quantity of wastewater discharged directly or indirectly into the town's facilities. Such quantity of wastewater may be measured by either inflow water meters or a wastewater discharge meter as determined by the director. No meter shall be installed or be used for such purpose without the approval of the director. Such meters shall be installed and maintained at the expense of the property owner and shall be read by the town. If repairs are made by the town, bills for such repairs shall be collected in the same manner, and be subject to the same penalties, as are bills for sewer user fees.
- (c) *Estimated discharge.* Where a property uses water from a public water supply system or a source other than a public water supply system, but a portion or all of such water is consumed, evaporated or otherwise not discharged directly or indirectly into the town's facilities, the wastewater discharged shall either be metered at the expense of the property owner or an estimate shall be made based upon an engineering analysis approved by the director. Where a discharge has been estimated, bills will be rendered based upon the approved analyses and estimates.
- (d) *Meter failure.* In case a meter fails to register or has been removed for repairs, testing or other purposes during the billing period, the bill shall be issued based on the average daily rate of water consumption or sewage discharged as shown by the meter after it has been returned to service and is in proper working order.
- (e) *Basis of bill for temporarily unmetered service.* If the meter has not been returned to service, the bill shall be issued based on the average daily rate of water consumption or sewage discharged for the previous two-year period.

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**Sec. 22-398. Rate schedule.**

- (a) Appendix C is the rate schedule for sewer service charges based on the assessment policy of article IX of this chapter. The appendix C is not printed in this Code but is on file and available in the town offices. This rate schedule will be reviewed annually and submitted to the town council prior to July 1 each year.
- (b) Based on this rate schedule the department of finance will prepare the sewer service roll, a copy of which will be filed with the town clerk.

**Sec. 22-399. Collection.**

- (a) Annual sewer service charge bills will be prepared and mailed at the same time as real estate tax bills are mailed.
- (b) Delinquent payments of the sewer fees enumerated in this article shall be subject to interest of 12 percent compounded annually commencing 30 days after the due date.

(Ord. No. 2015-02, 4-8-15)

**Sec. 22-400. Appeals.**

Appeals for water line breaks or unusual usage shall be heard by the sewer assessment review board.

**Sec. 22-401. Infiltration and inflow (I & I) charge for new developments and construction activities.**

For all new construction under building permits issued from May 1, 2004 onward, and for all construction activities under building permits issued from June 1, 2013 onward which result in additional wastewater flow to the town's wastewater treatment plant, the town council hereby levies an infiltration and inflow (I & I) charge to be added above normal sewer charges levied in accordance with this chapter. All construction activities include, but are not limited to, new connections to the sewer system, expansion/renovation of existing buildings, and construction of additional buildings on existing lots. Expansion and/or renovation of an existing single family residential home is exempt from this ordinance.

- (1) The developer of each new unit building permit applicant agrees to pay for the cost to remove one gallon of I & I for every gallon of wastewater to be generated by that unit or construction activity.
- (2) The proposed flow for residential facilities shall be based on a rate of 110 gallons of water per day per bedroom; for commercial or industrial facilities, the proposed flow shall be based on calculations prepared by a registered engineer at the owner's expense.
- (3) The I & I fee will be based on a rate of \$5.00 per gallon of I & I to be removed and will be paid to the department of water pollution control prior to the issue of a building permit.
- (4) The I & I fee will be deposited into a separate dedicated account, within the sewer budget, to be used for the sole purpose of eliminating the I & I by the town.
- (5) The I & I fee will be applied to the net increase in the total number of bedrooms at a property location in cases of knock downs, additions, or subdivisions of properties when such properties have been previously connected to the town sewer system.

(Ord. No. 2004-13, 5-12-04; Ord. No. 2006-21, 7-19-06; Ord. No. 2013-09, 5-15-13; Ord. No. 2013-16, 10-30-13)

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This ordinance shall take effect immediately upon its passage.